



# Bromley Briefings Prison Factfile

## Winter 2019

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.

## Acknowledgements

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We are grateful to everyone who has provided updated information and statistics during the production of this edition.

Cover image by [AndyAitchison.uk](https://www.andyatchison.uk)

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## Introduction

This edition of the essential reference publication for anyone concerned about our prison system opens with a detailed “long view” of how sentencing for the most serious crime has become dramatically more severe over the last two decades. Politicians may well be right that many of their constituents believe that the criminal system has gone “soft on crime”. But the way we exact retribution for the serious sexual and violent crimes that most often grab the headlines is actually much tougher than it has been in living memory. By way of example, for life sentences the guaranteed minimum period in custody has risen from 12.5 years on average in 2003 to 21.3 years in 2016. For the same crimes people are spending much longer in prison as well as longer under supervision after their release. They also face a much higher likelihood of being recalled to prison after release—around 8,000 people are currently in prison for that reason alone.

More than any other factor, it is the increase in sentence lengths and time actually spent in custody which has created a prison population that already exceeds the available decent accommodation by around 8,000 spaces. Overcrowding undermines every aspect of what the public should expect from its prisons. It creates unsafe institutions lacking in basic decency, but also failing to provide a framework for the rehabilitative work which could reduce crime in the future. This briefing lays out in stark detail what the dismal consequences are day to day for the people who live and work in our prisons.

So a new government faces an immediate operational challenge. Rapid and large scale police recruitment will certainly increase the flow of cases brought to trial—and just as certainly deplete the ranks of newly recruited prison officers who decide to swap one uniform for another. Any significant change in sentencing legislation will then cement in a long term increase in the prison population, just as it has done throughout this century despite a prolonged period when crime and the workload of the courts was reducing.

10,000 new prison places have been promised—but so they were in 2016. Most of the money set aside for that promise in 2016 has disappeared into bailing out a budget deficit in the Ministry of Justice. Nearly four years on, just 206 new spaces have been delivered. The building programme was supposed to make possible the closure of dilapidated prisons no longer fit for purpose, but that ambition was abandoned in late 2019, as was any pretence of expecting to reduce overcrowding. Even modest plans to reduce the use of short prison sentences (which the government’s own evidence shows increase the likelihood of reoffending) were quietly shelved in the run up to the general election.

In the final days of the last parliament, drawing on Prison Reform Trust analysis which showed that the government had made 378 separate and largely unmet promises about prisons since 2016, the Justice Committee described the government’s approach as “policy by press notice”. It lamented the absence of any coherent plan to match the demand for prison places to their supply. As it stands, the numbers simply do not add up—lives are being wasted and lost in the chaos that creates.

**Peter Dawson**

Director, Prison Reform Trust

# **THE STATE OF OUR PRISONS**

## The long view – Life sentences

Professor Ben Crewe, Dr Susie Hulley and Dr Serena Wright  
University of Cambridge and Royal Holloway, University of London

In the absence of capital punishment, imprisoning people for very long periods is the most extreme sanction of the state. Whilst sentences are passed by our independent courts, our sentencing framework—which sets out in law which offences are punishable by imprisonment and for how long—is a political decision made in our Parliament. How states choose to punish crime varies considerably between jurisdictions and over time.

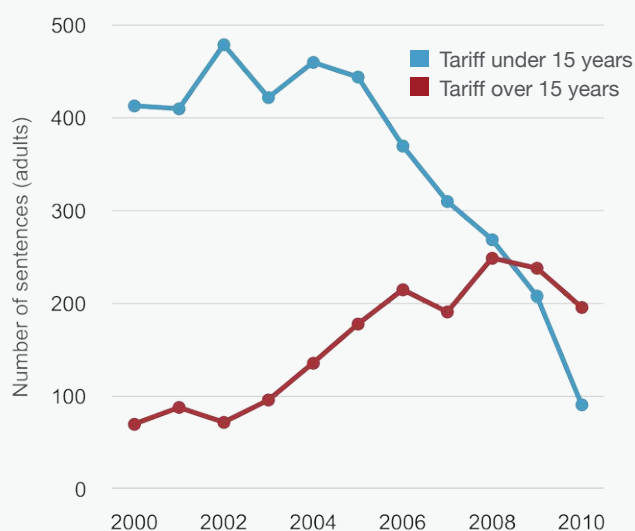
Figures from earlier decades help to illustrate shifts in the nature of long-term imprisonment in England and Wales. Of the men released from prison between 1959 and 1963 who had committed murder, and whose sentences had been commuted to life imprisonment rather than the death sentence, the period spent in prison ranged from four to 14 years.<sup>1</sup> When the Advisory Committee on the Penal System reported in 1968 on the prison regime for long-term prisoners in conditions of maximum security in England and Wales, 168 people were serving custodial terms of over 10 years and 489 were serving ‘Life or Her Majesty’s Pleasure’.<sup>2</sup> At the time, the longest continuous period served by a ‘lifer’ who had been released since 1950 was 21 years, and only two serving prisoners had been in custody for a continuous term of over 15 years.<sup>3</sup> By the end of 1974, the number of prisoners who had been detained for 15 or more years had increased to 19.<sup>4</sup>

Today, such sentences are relatively commonplace. Over recent years, there has been significant increases in the **number** of people serving long sentences, **average tariff lengths** (i.e. the minimum term spent in custody, after which the prisoner can be considered for release on licence), and the overall **amount of time spent in custody**.

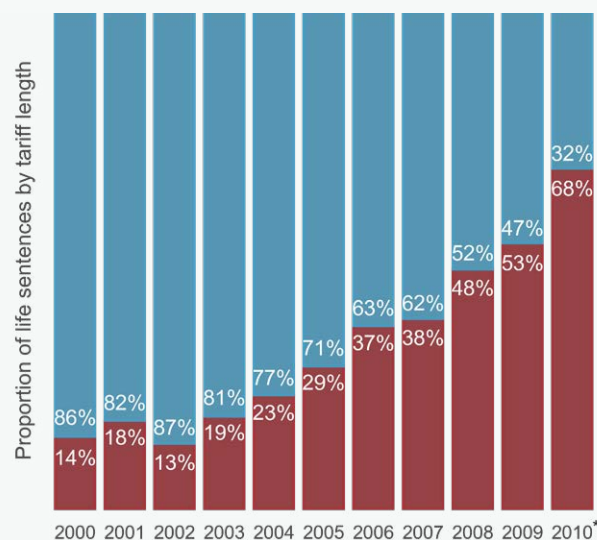
### Number of prisoners serving life sentences with long tariffs

The numbers of people given life sentences with long tariffs increased considerably in the first decade of this century. Between 2000 and 2003, fewer than 100 individuals per year were given tariffs of 15 years or more. But in the years that followed, this number increased significantly, peaking at 249 in 2008, (see Figure 1a).

Figures 1a and 1b: Tariff lengths of people receiving a life sentence, 2000–10



Source: Ministry of Justice (2010) Freedom of Information request 68152



\*Information available as at 18 November 2010

1 Hansard, 19 November 1964, col.613

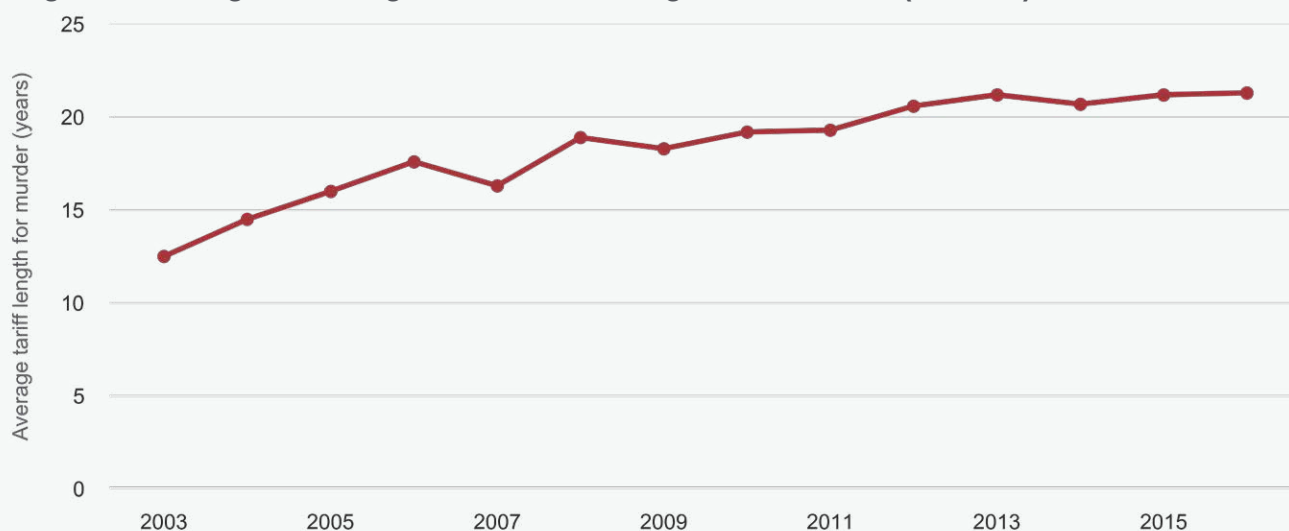
2 Radzinowicz, L. (1968). Report of the Advisory Committee on Penal System on the regime for long-term prisoners in conditions of maximum security (The Radzinowicz Report). London: HMSO

3 Some individuals convicted of the most serious offences would have been sentenced to death at this time—between 21 and 39 per year, in the period from 1950–56. See Brown, C. (1979)

‘Basic statistics’, in Smith, D. (ed.) (1979). Life-Sentence Prisoners (Home Office Research Study 51). London: HMSO

4 Sapsford, R. and Banks, C. (1979) ‘A synopsis of some Home Office research’, in Smith, D. (ed.) (1979). Life-Sentence Prisoners (Home Office Research Study 51). London: HMSO

**Figure 2: Average tariff length for murder in England and Wales (2003–16)**



Source: House of Lords written question HL2315, 6 November 2017

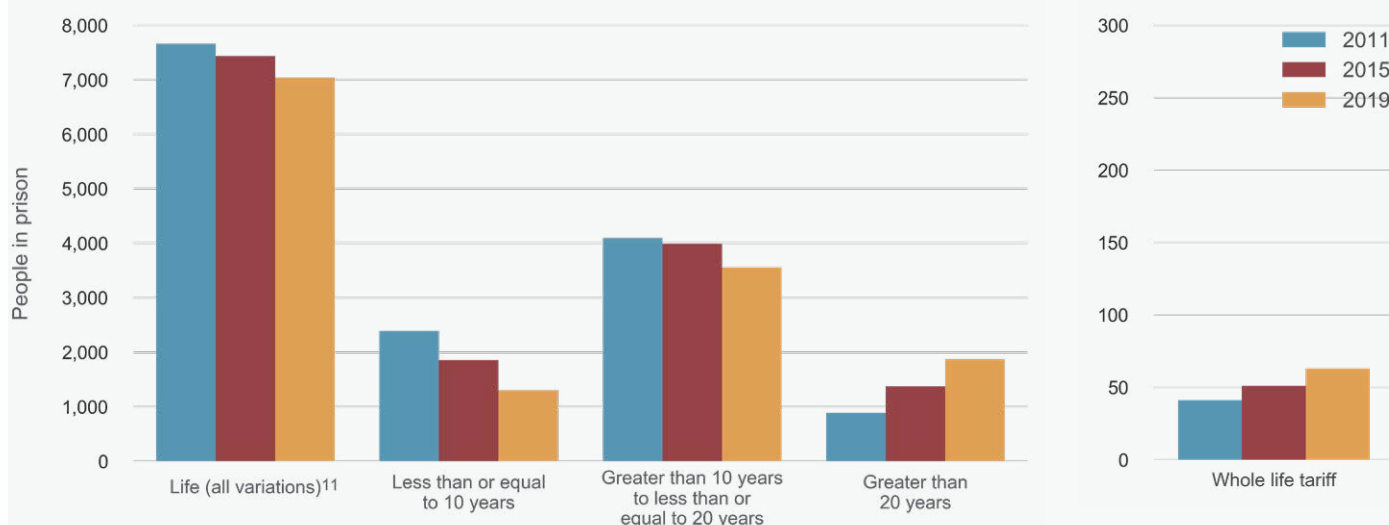
At the end of 2010, out of 8,309 people in prison serving a life sentence, more than a quarter (2,309) had minimum terms of 15 years or more.<sup>5</sup> Of these, nearly one in seven (319) had been sentenced when aged between 18 and 20,<sup>6</sup> whilst 33 were currently aged under 18.

By the end of September 2019, there were 3,555 people in prison serving a life sentence with a tariff of between 10 and 20 years. More than one in five (779) were still in prison having already served their tariff. A further 1,872 had tariffs of over 20 years, of whom 48 were beyond their tariff point.<sup>7</sup> 880 people had a tariff of more than 25 years, 291 had a tariff of more than 30 years,<sup>8</sup> 264 had a tariff of more than 32 years, including 63 people were serving the state’s most extreme punishment, a whole life tariff—and are unlikely to ever be released.<sup>9</sup>

These numbers have increased substantially since the start of 2014. At that time there were 543 people serving a life sentence with a tariff of more than 25 years, 179 with a tariff of more than 30 years, and 137 with a tariff of more than 32 years. 44 people were serving a whole life tariff.<sup>10</sup>

**Average tariff lengths and length of time spent in custody**

**Figures 3a and 3b: Life sentenced prison population by tariff length**



Source: Ministry of Justice (2019), Offender management statistics quarterly: April to June 2019

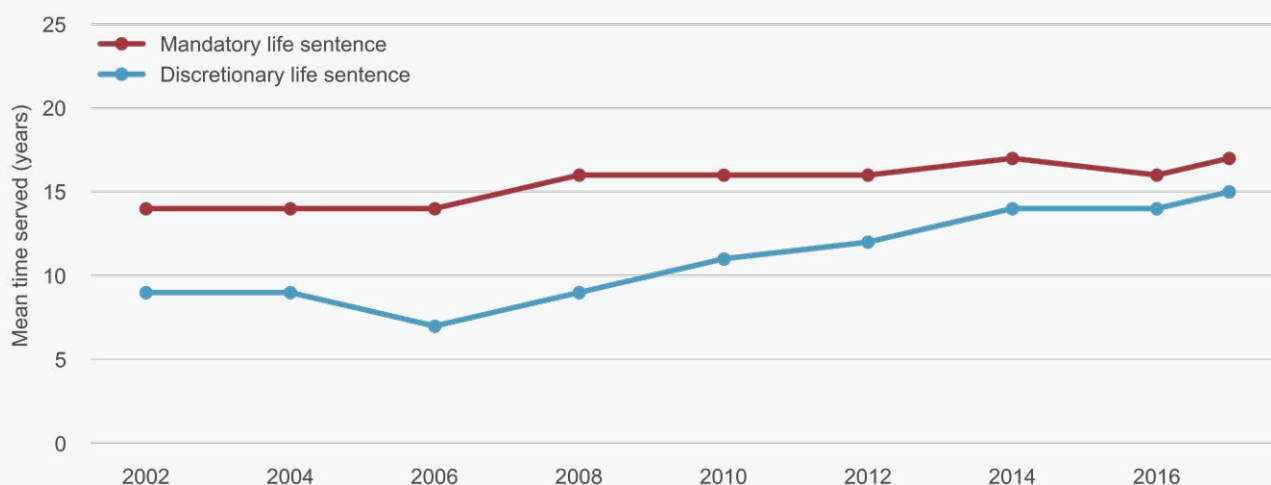
5 Ministry of Justice (2010) Freedom of Information request 68152  
 6 Ministry of Justice (2011) Freedom of Information request 68520  
 7 Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice  
 8 Both of these figures exclude whole life tariffs  
 9 Ministry of Justice (2019) Freedom of Information request 191009017  
 10 Ministry of Justice (2014) Freedom of Information request 89346  
 11 NB Data does not include people serving Indeterminate sentences for Public Protection (IPP)

In 2003, the average tariff for mandatory life sentences (excluding whole-life tariffs) was 12.5 years. By 2016, this had risen to 21.3 years, (see Figure 2).

Figures 3a and 3b illustrate the changing composition of the life-sentenced prison population over recent years. While the overall number of people serving a life sentence has fallen during this period, a higher proportion are now serving sentences with a tariff of over 20 years.

People serving life sentences are also spending longer in prison before they are released. In 1979, on average a person serving a life sentence spent 9.1 years in custody, by 1989 this had increased to 12 years, and by 1997 it was just over 14 years.<sup>12</sup> As shown in Figure 4, since 2002 the average time served by mandatory lifers has risen from 14 to 17 years, while the average time served for other (e.g. discretionary) life sentenced prisoners has risen from nine years to 15 years.

**Figure 4: Average time served for life sentenced prisoners (excluding time on remand)**



Source: Ministry of Justice (2019) Offender management statistics, Prison releases 2018

## Explanations

Punishment for homicide “engenders broad moral and symbolic concerns in society and serves as a global barometer of national sentencing policy”.<sup>13</sup> The relationship between the volume and nature of serious crime and the severity of punishment for such offences is highly complex. However, there is no clear evidence that increasing tariff lengths in England and Wales reflect changes in the nature of offending.

The number of homicides in England and Wales has increased. In the early 1960s there were around 300 homicides per year. By the current century this had risen to over 800 per year—peaking in 2002–03.<sup>14</sup> However, in the aftermath of the peak both the number and rate of homicides declined for more than a decade. Whilst the number and rate of homicides has been increasing since 2015, the rate in 2017–18 remains lower than that seen in the early part of this century.<sup>15</sup>

Data from recent years does not suggest a pattern of increasing offence severity, with the number of homicides caused by shooting or a sharp instrument exhibiting a slight downward trend. Between 2015 and 2019, the proportion of homicides by shooting remained stable at around 4–5%, a slight reduction on the previous five year period. The proportion of homicides by a sharp instrument ranged from 30% to 40% between 2008 and 2019, with numbers fluctuating from 268 in 2007–08 to 186 in 2014–15. However, the 2017–18 saw a pronounced rise, with 285 homicides during the period involving a sharp instrument.<sup>16</sup>

<sup>12</sup> Table 5.5, Home Office (1997) Prison statistics England and Wales 1997, London: HM Stationery Office

<sup>13</sup> Liem, M., Campbell, M. (2014) Punishment for homicide in Europe: Research challenges and a roadmap for progress. *International Criminal Justice Review*, 24, 285–297

<sup>14</sup> Office for National Statistics (2019) Homicide in England and Wales: year ending March 2018, London: ONS

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.



If homicides do not appear to be getting more severe, then what could be driving numbers, tariffs and time served upwards? Changes in sentencing legislation are a more likely and significant influence, in particular, the 2003 Criminal Justice Act, which brought into effect a significant increase in the minimum sentence for a range of forms of murder. A subsequent amendment to the Act, in 2010, increased the minimum starting point for a murder that occurred where a person aged 18 or over took a knife or other weapon to the scene of the crime “with the intention of using it to commit any offence or to use it as a weapon and does use it in committing the murder” from 15 to 25 years.<sup>17</sup> For cases involving the use of a firearm or explosive, the starting point for someone aged 18 or over is 30 years, and 12 years for children. Prior to the 2003 legislation, murder cases involving an adult victim following “a quarrel or loss of temper between two people known to each other” would normally attract a tariff of around 12 years, but could be lower—eight to nine years—depending on mitigating factors.

International comparisons are extremely complex, however, most jurisdictions set a fixed period after which the release of any person sentenced to life imprisonment must be considered.<sup>18</sup> For example, ten years in Belgium, 15 years in Germany, and 30 years in Estonia.<sup>19</sup>

## Consequences

International research is inconclusive on whether more time in prison reduces the likelihood of recidivism.<sup>20</sup> However, the reconviction rate for life sentence prisoners is far lower than for other offences,<sup>21</sup> and remains very low. Of the 252 convictions for homicide in 2017–18, five people had a previous homicide conviction, and of the homicide offences between the years ending March 2008 and March 2018, less than 1% were committed by people with a previous conviction for homicide.<sup>22</sup> Evidence on the wider impact of such sentences in deterring others is similarly inconclusive or hard to assess.<sup>23</sup>

What cannot be disputed is that a growing number of men and women are serving the kinds of prison terms that, until very recently, were not only highly unusual but were also considered to be barely survivable. A recent study, looking at prisoners aged 25 or younger when they were sentenced to life with a tariff of 15 years or more, found that many participants were facing minimum periods of incarceration that were longer than they had been alive, and that they could barely contemplate their circumstances.<sup>24</sup> Such individuals often disputed the legitimacy of both their conviction and sentence length, and spent many years in a state of anger and bewilderment. Those who had served more of their sentence, and who did not dispute their guilt, were generally highly remorseful about their involvement in their offence, and did not dispute the right of the state to punish them severely. However, they questioned the purpose of such long sentences beyond pure retribution, and felt that a period closer to a decade would be more suited to the goal of rehabilitation.

The growth of very long sentences is by no means risk free. Violence, suicide and self-harm, disorder and radicalisation all pose a challenge as people struggle to come to terms with their situation, and seek out meaning, forgiveness, hope, identity and love, whilst facing the prospect of decades of confinement.<sup>25</sup>

The growing number of prisoners serving such long sentences virtually guarantees that our prisons will remain overcrowded for the foreseeable future, regardless of any changes in sentencing practice for less serious offending or improvements in reconviction rates. Most significantly, such sentences are highly wasteful, in the sense that they expend something that is of value—put bluntly, human life—carelessly, extravagantly, or to little purpose other than punitive retribution, on a scale that far exceeds comparable countries and historical precedent.

17 Ministry of Justice (2010) Explanatory Memorandum to the Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010 (No. 197), London: Ministry of Justice

18 Polittowski, B. (2015) Comparative prison sentences in the EU. London: House of Commons library

19 Van Zyl Smit, D. (2006) 'Life imprisonment: recent issues in national and international law', *International journal of law and psychiatry*, 29, 405–421

20 See, for example, Baay, P., Liem, M., and Nieuwbeerta, P. (2012) "Ex-Imprisoned Homicide Offenders: Once Bitten, Twice Shy?" *The Effect of the Length of Imprisonment on Recidivism for Homicide Offenders*. *Homicide Studies*, 16, 259–279

21 House of Commons (1999) Homicide Statistics, Research Paper 99/56

22 Appendix Table 24, Office for National Statistics (2019) Homicide in England and Wales: year ending March 2018, London: ONS

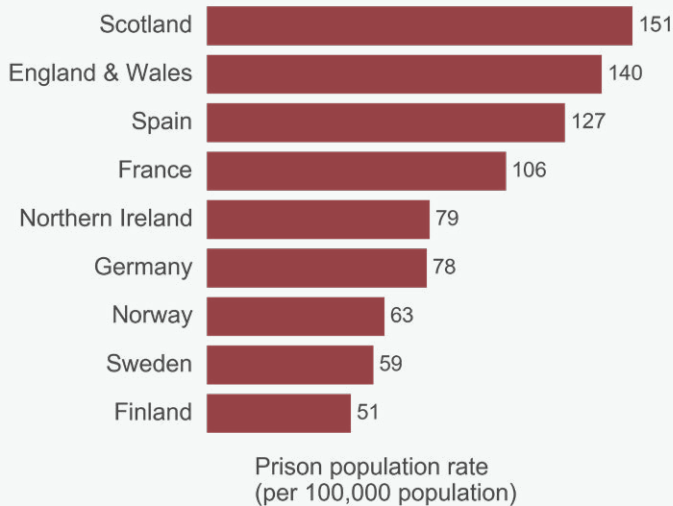
23 See, for example, Baay, P., Liem, M., and Nieuwbeerta, P. (2012) "Ex-Imprisoned Homicide Offenders: Once Bitten, Twice Shy?" *The Effect of the Length of Imprisonment on Recidivism for Homicide Offenders*. *Homicide Studies*, 16, 259–279

24 Crewe, B., Hulley, S. and Wright, S. (2019) *Life Imprisonment from Young Adulthood: Adaptation, Identity and Time*. London: Palgrave MacMillan

25 Liebling, A., Arnold, H. and Straub, C. (2011) *An exploration of staff-prisoner relationships at HMP Whitemoor: Twelve years on*. London: National Offender Management Service

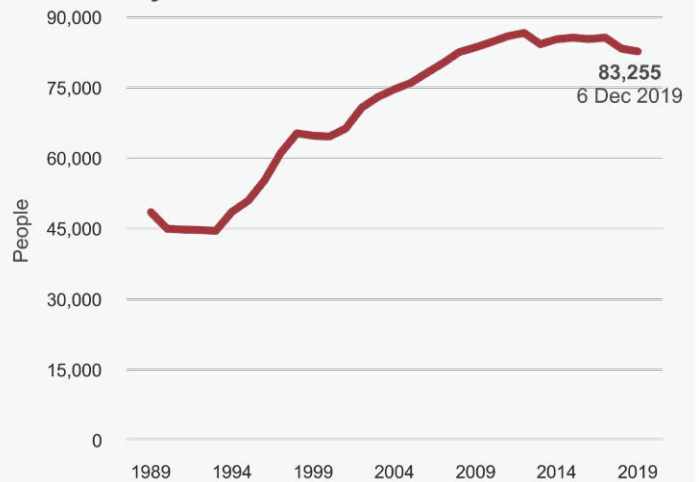
## Sentencing and the use of custody

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



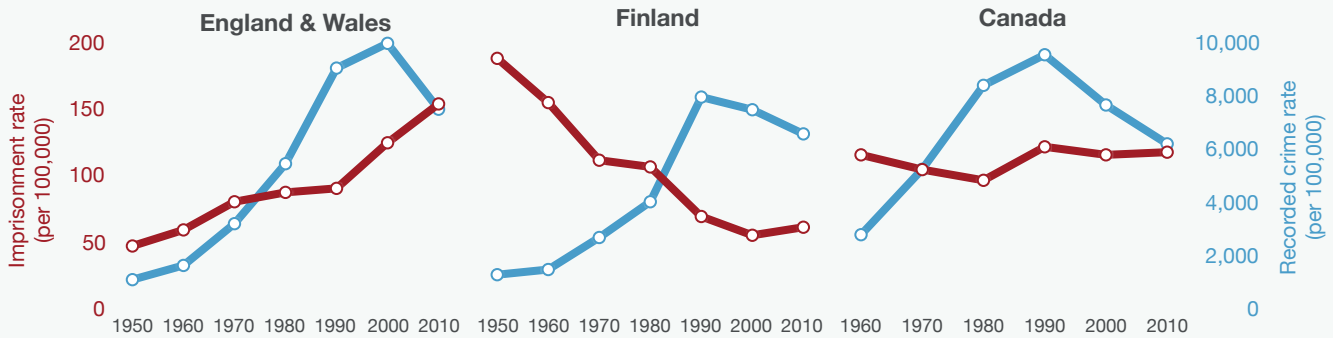
Source: World Prison Brief, Institute for Crime & Justice Policy Research, 14 November 2019

The prison population has risen by 70% in the last 30 years—but it has steadied in the last five



Source: Offender management statistics, Prison population 2019 and Population and capacity briefing for 6 December 2019

Yet there is no link between the prison population and levels of crime according to the National Audit office.<sup>26</sup> International comparisons also show there is no consistent link between the two.<sup>27</sup>

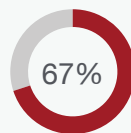


In England and Wales, we overuse prison for non-violent and persistent crime.<sup>28</sup>

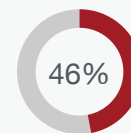
More than

# 56,000

people were sent to prison to serve a sentence in the year to June 2019



The majority had committed a non-violent offence

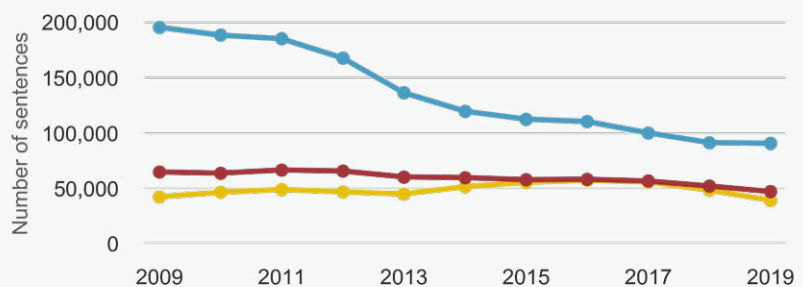
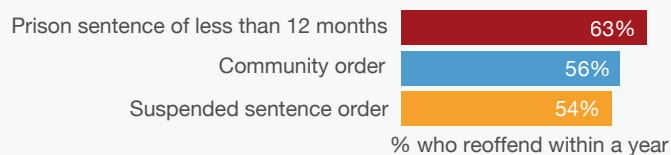


Almost half were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.<sup>29</sup>

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.<sup>30</sup> Yet, their use has more than halved in only a decade.

Suspended sentences had risen, but account for only 3% of all sentences—and have fallen since 2017.<sup>31</sup>



<sup>26</sup> National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office

<sup>27</sup> Lappi-Seppälä, T. (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>; Table 1, Eurostat (2013) Trends in crime and criminal justice, graphs and tables, Trends in crime and criminal justice 2010, Luxembourg: European Commission; Office for National Statistics (2017) UK and regional population estimates 1838 to 2015, Mid-2015 population estimates, London: ONS; Table 8, von Hofer, H., et al. (2012) Nordic Criminal Statistics 1950–2010, Stockholm: Stockholms universitet; and Statistics Canada (2017) 'Canada's crime rate: Two decades of decline', available at <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm>

<sup>28</sup> Table 2.5a and 2.5b Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>29</sup> Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice, see also p48

<sup>30</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

<sup>31</sup> Table Q5.1b and Q5.4, Ministry of Justice (2019) Criminal justice statistics quarterly June 2019

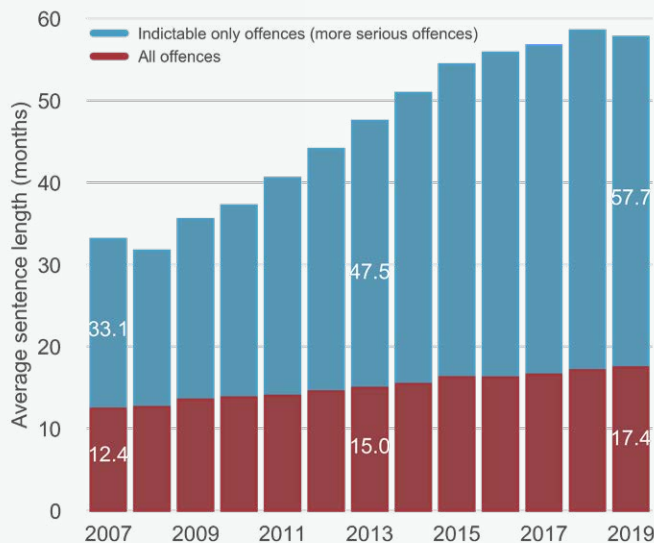
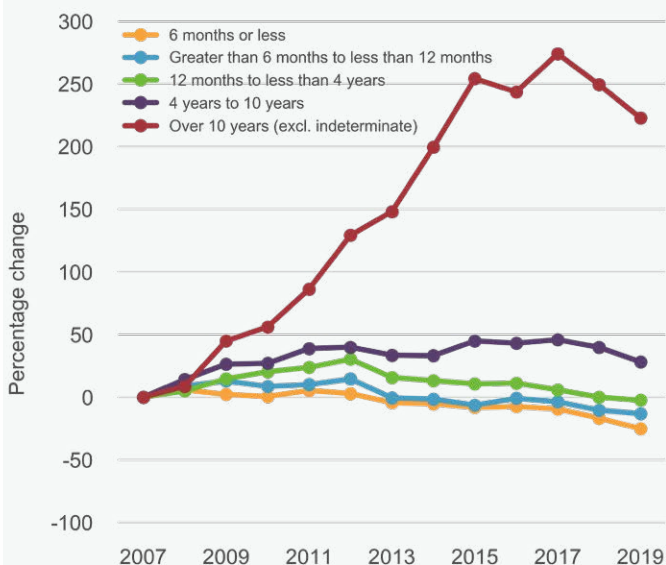
**Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime.** Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.<sup>32</sup>



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

More than three times as many people were sentenced to 10 years or more in the 12 months to June 2019 than the same period in 2007.<sup>33</sup>

For more serious, indictable offences, the average prison sentence is now 57.7 months—over two years longer than in 2007.<sup>34</sup>



Source: Criminal justice statistics quarterly June 2019

Source: Criminal justice statistics quarterly June 2019

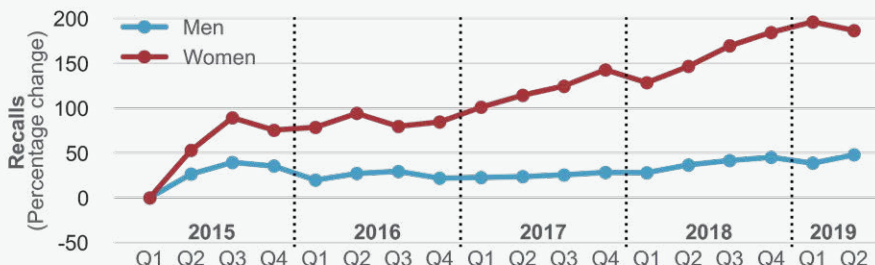
**People serving mandatory life sentences for murder are spending more of their sentence in prison.** On average they spend 17 years in custody, up from 13 years in 2001.<sup>35</sup>

**Judges are also imposing longer tariff periods.**<sup>36</sup> The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.<sup>37</sup>

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

Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.<sup>38</sup>

**As a result, the number of people recalled back to custody has increased, particularly amongst women.** 8,956 people serving a sentence of less than 12 months were recalled to prison in the year to June 2019.<sup>39</sup>



On 30 September 2019, there were 8,096 people in prison recalled from licence.<sup>40</sup>

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

33 Table Q5.4, Ministry of Justice (2019) Criminal justice statistics quarterly June 2019, London: Ministry of Justice

34 Table Q5.1b, Ibid.

35 Table A3.3, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice and

Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

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

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

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

39 Table 5.2, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

40 Table 1.1, Ibid.

## Safety in prisons

**Safety in prisons has deteriorated rapidly during the last seven years.** People in prison, prisoners and staff, are less safe than they have been at any other point since records began, with more self-harm and assaults than ever before. The number of self-inflicted deaths has also risen once again.<sup>41</sup>

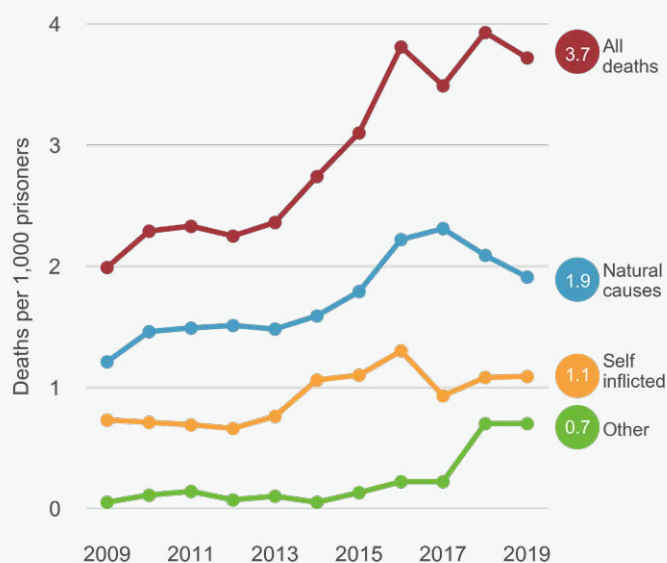
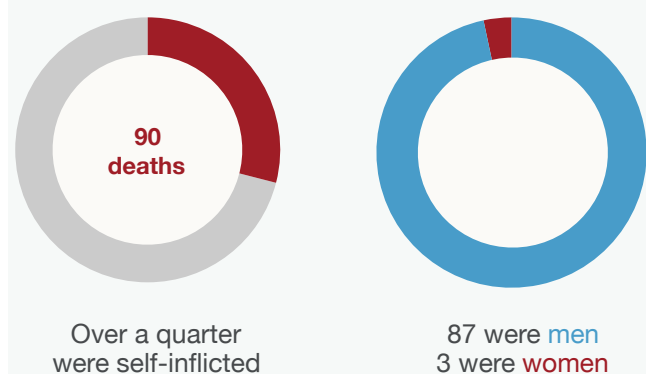
**Inspectors found that safety was not good enough in nearly two-thirds of male prisons (63%) they visited last year.** More than half of people in all prisons said that they had felt unsafe at some time whilst in prison.<sup>42</sup>

### Deaths in prison

# 308

People died in prison in the year to September 2019

Rates of death in prison have almost doubled in the last decade, and there is a large backlog of unclassified deaths pending investigation



Source: Safety in custody statistics quarterly update to June 2019

**Rates of deaths from natural causes have increased by nearly 60% over the last decade.** 158 people died of natural causes in the year to September 2019.<sup>43</sup>

**Self-inflicted deaths are over six times more likely in prison than in the general population.**<sup>44</sup>

**A quarter (25%) of self-inflicted deaths in the last five years occurred in the first 30 days of arrival in prison—over half (52%) of these deaths were in the first week.**<sup>45</sup>

**Many prisons are failing to learn lessons from self-inflicted deaths.** Inspectors found that a third of prisons visited in 2018–19 have not implemented recommendations by the Prisons and Probation Ombudsman (PPO) well enough following a self-inflicted death—the same proportion as the two previous years.<sup>46</sup>

**PPO investigations of deaths in segregation units often found that staff did not always follow, or even know about national instructions, including that prisoners at risk of suicide should only be segregated in exceptional circumstances.**<sup>47</sup>

**There were 117 deaths in prison between June 2013 and September 2018 where the person was known, or strongly suspected, to have used or possessed psychoactive substances, such as Spice, before their death.**<sup>48</sup>

**There were two homicides in prison in the year to September 2019 and another five the year before.**<sup>49</sup>

<sup>41</sup> Table 1, Ministry of Justice (2019) Safety in custody statistics quarterly update to June 2019, London: Ministry of Justice

<sup>42</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>43</sup> Table 2, Ministry of Justice (2019) Safety in custody statistics quarterly update to June 2019, London: Ministry of Justice

<sup>44</sup> Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

<sup>45</sup> Table 1.7, Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

<sup>46</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office and Annual reports 2017–18 and 2016–17

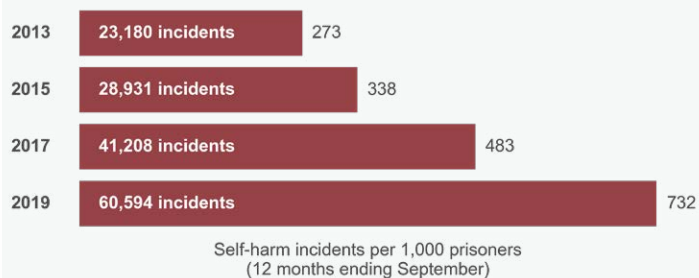
<sup>47</sup> Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

<sup>48</sup> Freedom of Information request by the Prison Reform Trust to the Prisons and Probation Ombudsman

<sup>49</sup> Table 2, Ministry of Justice (2019) Safety in custody statistics quarterly update to June 2019, London: Ministry of Justice

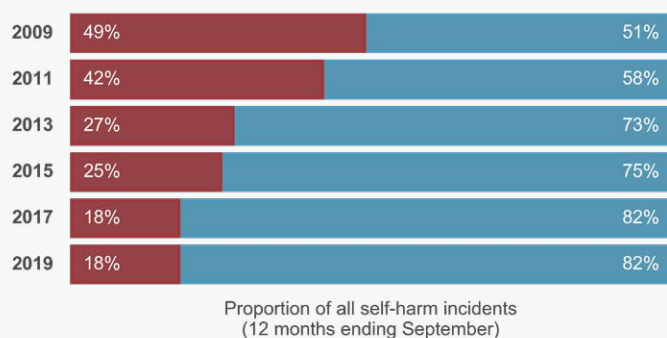
## Self-harm

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



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

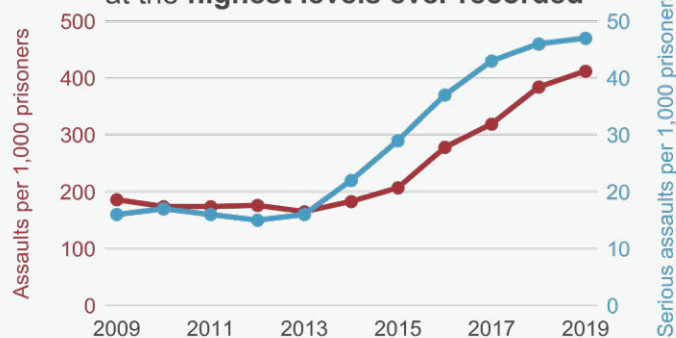
But in recent years there has been a significant rise in self-harm incidents by men.



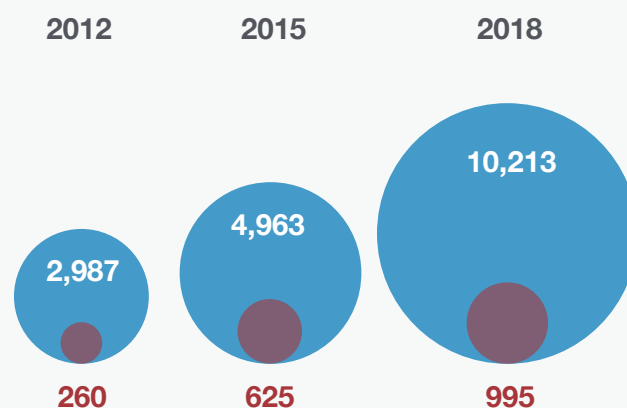
Source: Safety in custody statistics quarterly update to June 2019

## Assaults

Assaults and serious assaults are at the highest levels ever recorded



Assaults on staff have more than tripled in only five years



Serious assaults on staff have risen at an even faster rate

Over 49,000 cases were opened in 2017 to support people assessed as at risk of suicide and self-harm whilst in prison—up 46% in four years. Over 2,500 people are being managed under the prison service’s multi-disciplinary Assessment, Care in Custody and Teamwork (ACCT) process on any given day.<sup>50</sup>

More than half of people in prisons inspected in 2017–18 were negative about the overall care and support they received during their most vulnerable times.<sup>51</sup>

The PPO received 71 complaints alleging physical abuse by staff in 2018–19, up from 53 the year before.<sup>52</sup> In the same year inspectors found increased use of force on prisoners in around two-thirds of prisons. In half of prisons inspected there were concerns about the quality of documentation to justify the use of force.<sup>53</sup>

Recorded sexual assaults in prison have more than quadrupled since 2012. There were 469 recorded assaults in 2018.<sup>54</sup>

The National Tactical Response Group, a specialist unit assisting in safely managing and resolving serious incidents in prisons, responded to 600 incidents in 2018—up from 531 incidents in 2017.<sup>55</sup>

Rules play an important role in reducing assaults. Research has found that the consistent and fair application of rules which are understood and appear legitimate and justifiable to people in prison are often associated with lower rates of assaults.<sup>56</sup>

<sup>50</sup> House of Lords written question HL10991, 8 November 2018 and House of Commons written question 130748, 12 March 2018

<sup>51</sup> HM Chief Inspector of Prisons (2017) Annual report 2016–17, London: HM Stationery Office

<sup>52</sup> Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

<sup>53</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>54</sup> Table 3.9, Ministry of Justice (2018) Safety in custody statistics quarterly update to June 2018, London: Ministry of Justice

<sup>55</sup> House of Commons written question 7780, 30 October 2019

<sup>56</sup> McGuire, J. (2018) Understanding prison violence: a rapid evidence assessment, London: HM Prison and Probation Service

## Treatment and conditions

Nearly two in five (38%) of our prisons are rated “of concern” or “of serious concern” by HM Prisons and Probation Service. 16 prisons (14%) were rated “of serious concern”—the highest on record.<sup>57</sup>

More prisons are rated “of serious concern” than “exceptional”. Just 15 prisons in 2018–19 received the highest performance rating.<sup>58</sup>

Inspectors noted that more than a third of people experience inadequate or poor living conditions. Conditions are particularly bad in local prisons, with 12 out of the 14 inspected in 2018–19 classified as being “insufficiently safe”.<sup>59</sup>

In many local prisons, such as Bedford, Belmarsh, Chelmsford, High Down, Birmingham and Wandsworth, inspectors found substantial numbers of prisoners spending more than 22 hours a day locked in their cells.<sup>60</sup>

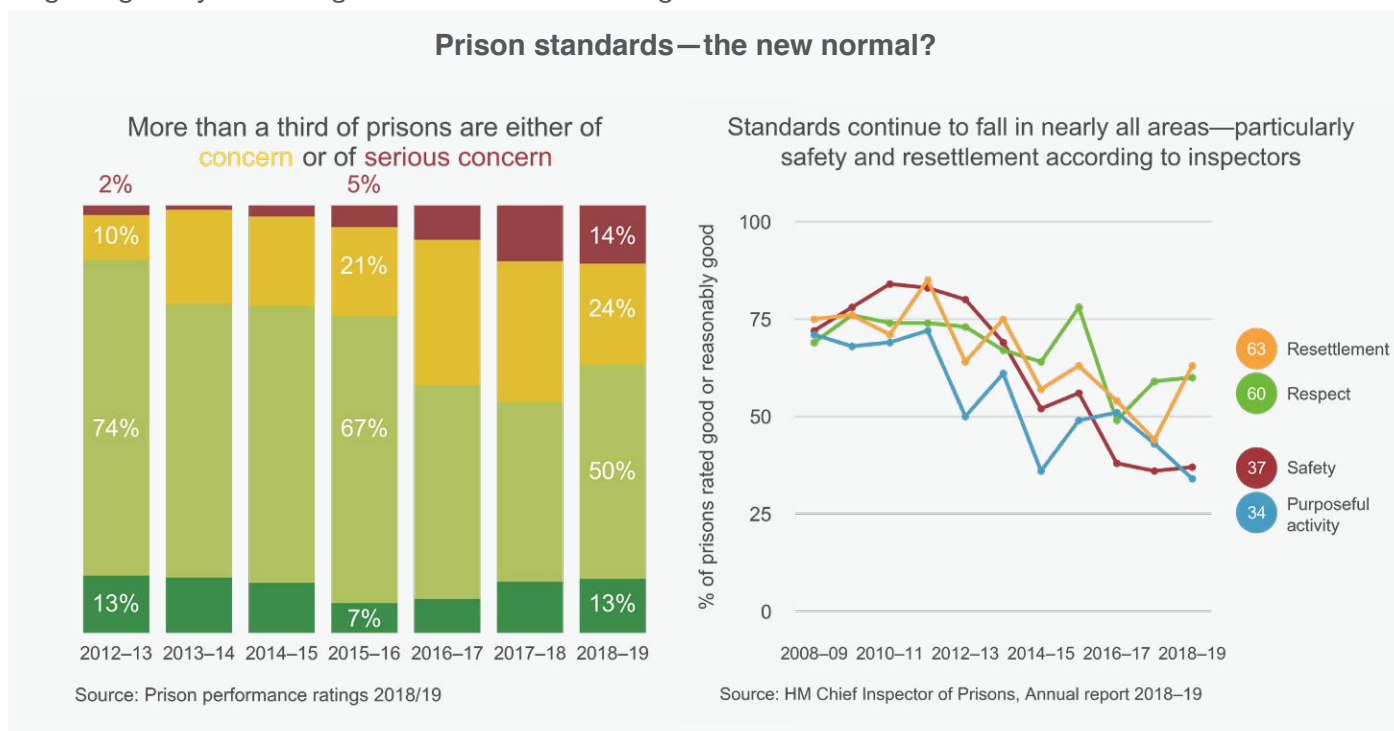
They also found that prison regimes had become less predictable. Many prisons introduced temporary arrangements to cope with staff shortages, but this meant that people were often locked up at 6pm or earlier, affecting their access to the telephone and contact with their family.<sup>61</sup>

## Segregation

Inspectors found that conditions in segregation units continued to be poor. In some units, people were unable to shower or telephone their families every day, and most had only 30 minutes a day in the fresh air.<sup>62</sup>

Research on segregation has established that it is harmful to health and wellbeing. Over half of segregated prisoners interviewed said they had problems with three or more of the following: anger, anxiety, insomnia, depression, difficulty in concentration, and self-harm.<sup>63</sup>

A 2016 study found that nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit. Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.<sup>64</sup>



<sup>57</sup> Table 6, Ministry of Justice (2019) Prison performance ratings 2018 to 2019, London: Ministry of Justice

<sup>58</sup> Ibid.

<sup>59</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Shalev, S. and Edgar, K. (2016) Deep Custody: Segregation units and close supervision centres in England and Wales, London: Prison Reform Trust

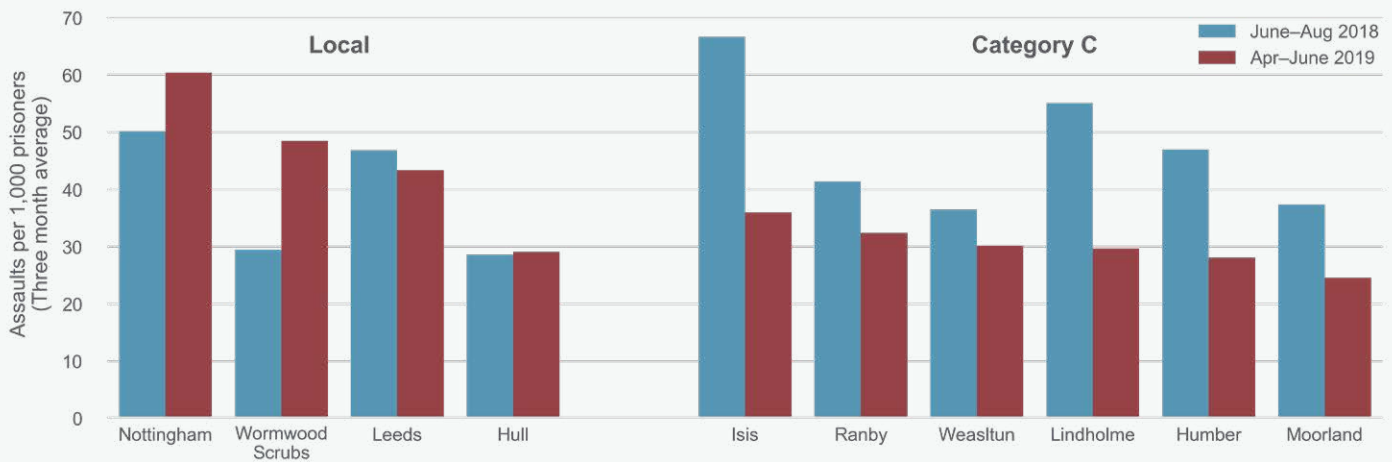
<sup>64</sup> Ibid.

## The 10 Prisons Project—A tale of two prisons?

In August 2018 the government announced the 10 Prisons Project “to tackle the most persistent and urgent problems facing 10 of the most challenging prisons.”

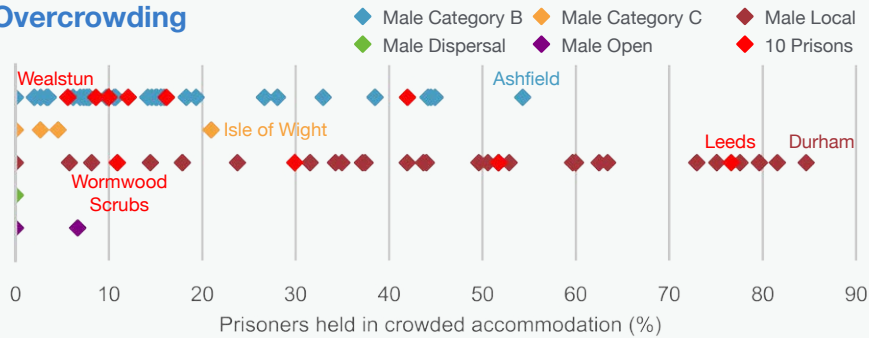
In August 2019 the the government reported the project as a success, albeit with an acknowledgement that this performance had varied across the 10 prisons.

There is large disparity in the outcomes of the project between male local and category C prisons. The assault rates in all category C prisons have decreased without exception, whereas in the case of the local prisons the rate has either increased or remained broadly unchanged, despite the extra focus and funding.



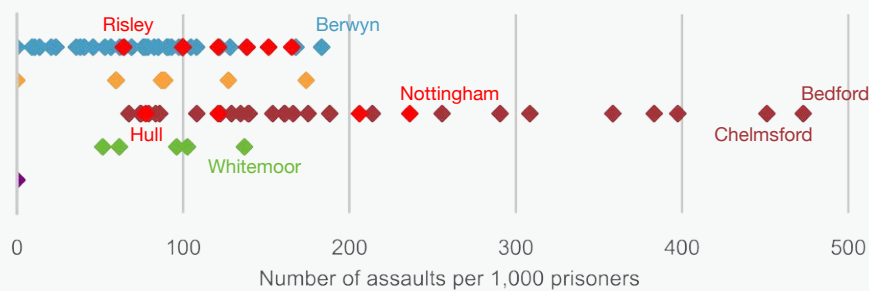
Source: Table 10c, Ministry of Justice (2019) Safety in custody quarterly update to June 2019

### Overcrowding



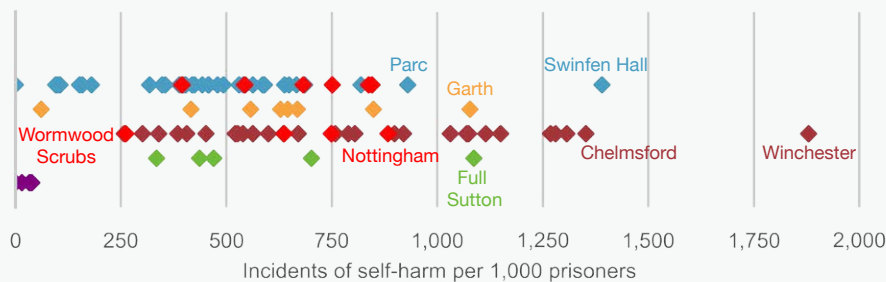
Nearly half of people (46%) in local prisons are held in overcrowded conditions, more than any other type of prison. Rates of assault and self-harm are also higher in local prisons than in many parts of the prison estate.

### Assaults



However, by examining data on levels of overcrowding, assaults and self-harm in 2019, it is unclear why these four specific local prisons were chosen. Rather than being “the most challenging” prisons, the performance of these four prisons appears fairly representative of local prisons across the whole estate.

### Self-harm



The results of the 10 prisons project shows that short-term measures and funding are unlikely to solve the systemic and deep-rooted problems facing our local prisons.

Source: Ministry of Justice (2019) Safety in custody quarterly update to June 2019; Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019 and Ministry of Justice (2019) Offender management statistics, Prison population 2019

## Overcrowding and changes to the prison estate

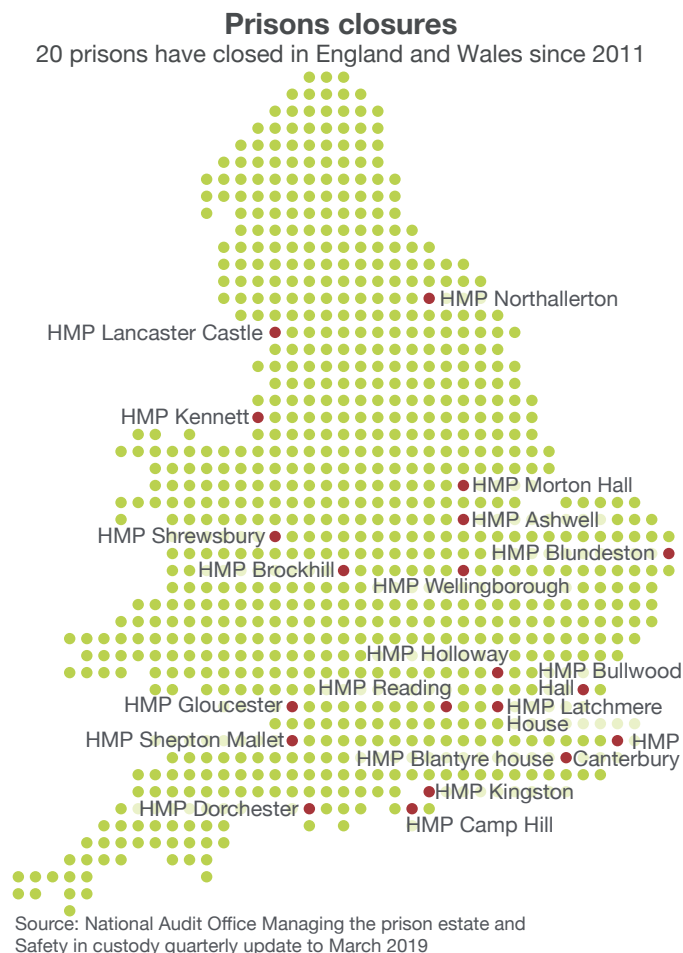
**The prison system as a whole has been overcrowded in every year since 1994.**<sup>65</sup> Almost 70% of prisons in England and Wales are overcrowded (84 of the 121 prisons), with nearly 18,700 people held in overcrowded accommodation—more than a fifth of the prison population.<sup>66</sup>

**The current level of overcrowding has remained broadly unchanged for the last 15 years.**<sup>67</sup> Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks.<sup>68</sup>

**Overcrowding remains a significant issue in most prisons**—particularly in local and category C training prisons, where most people are held.<sup>69</sup>

**Further increases to the prison population are projected by the Ministry of Justice in the next five years**—placing further pressure on places.<sup>70</sup>

**Following prison closures and deteriorating conditions in our Victorian and pre-Victorian era jails £1.3bn of funding was announced in 2015, with a commitment to build up to 10,000 new prison places by 2020.** To date, just 206 new places have opened—a new wing at HMP Stocken.<sup>71</sup>



**Plans to close HMPs Rochester and Hindley have been delayed, and the Welsh Government has refused to give consent to build a prison at Port Talbot.**<sup>72</sup>

**Money originally allocated for new prisons has been used to plug funding gaps in the wider Ministry of Justice budget in the last two financial years.**<sup>73</sup>

**Building work to create 1,680 new prison places finally began at Wellingborough in September 2019.**<sup>74</sup> Planning permission has also been granted for another 1,680-place prison in Glen Parva, Leicestershire.<sup>75</sup> The prisons are now due to open in 2021 and 2023, respectively.

**In 2019 the government made a further announcement to spend “up to £2.5bn” to create modern, efficient prisons, and provide 10,000 prison places**—in addition to Stocken, Wellingborough and Glen Parva.<sup>76</sup>

**The first of these, a new 1,440 place prison in Full Sutton, East Yorkshire, has been given outline planning permission, and is scheduled to open in 2024.**<sup>77</sup>

<sup>65</sup> Home Office (1999) Digest 4: Information on the criminal justice system in England and Wales, London: Home Office and

Table 2.2, Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019, London: Ministry of Justice

<sup>66</sup> Table 2.2, 2.3 and 2.4, Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019, London: Ministry of Justice

<sup>67</sup> Table 2.2, Ibid.

<sup>68</sup> HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

<sup>69</sup> Table 2.5, Ibid.

<sup>70</sup> Ministry of Justice (2019) Prison population projections 2019 to 2024, England and Wales, London: Ministry of Justice

<sup>71</sup> House of Commons written question 151219, 12 June 2018

<sup>72</sup> House of Commons Justice Committee (2017) Oral evidence: The work of the Ministry of Justice, 25 October 2017, London: HM Stationery Office and

National Assembly for Wales (2018) The Record, 9 May 2018 c103, available at <http://record.assembly.wales/Plenary/4982?lang=en-GB#A43307>

<sup>73</sup> Letter from Robert Buckland to the Prison Reform Trust, 11 September 2019, available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Letters/72042%20Peter%20Dawson.pdf>

<sup>74</sup> House of Commons Justice Committee (2018) Prison population 2022: planning for the future, Oral evidence session: 26 June 2018, London: HM Stationery Office

<sup>75</sup> Letter from Robert Buckland to the Prison Reform Trust, 11 September 2019, available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Letters/72042%20Peter%20Dawson.pdf>

<sup>76</sup> Ibid. and Ministry of Justice website, accessed on 13 September 2019, available at <https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe>

<sup>77</sup> Ministry of Justice website, accessed on 13 September 2019, available at <https://www.gov.uk/government/news/1-400-new-prison-places-approved-at-full-sutton>



## Prison service resources and staffing

### Resources

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its resource budget was reduced by 20%.<sup>78</sup>

Despite recent increases, its resource budget remains 12% lower than in 2010–11.<sup>79</sup>

The cost of a prison place reduced by 16% in real terms between 2009–10 and 2018–19. The average annual overall cost of a prison place in England and Wales is now £43,213.<sup>80</sup>

### Staffing

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.<sup>81</sup>

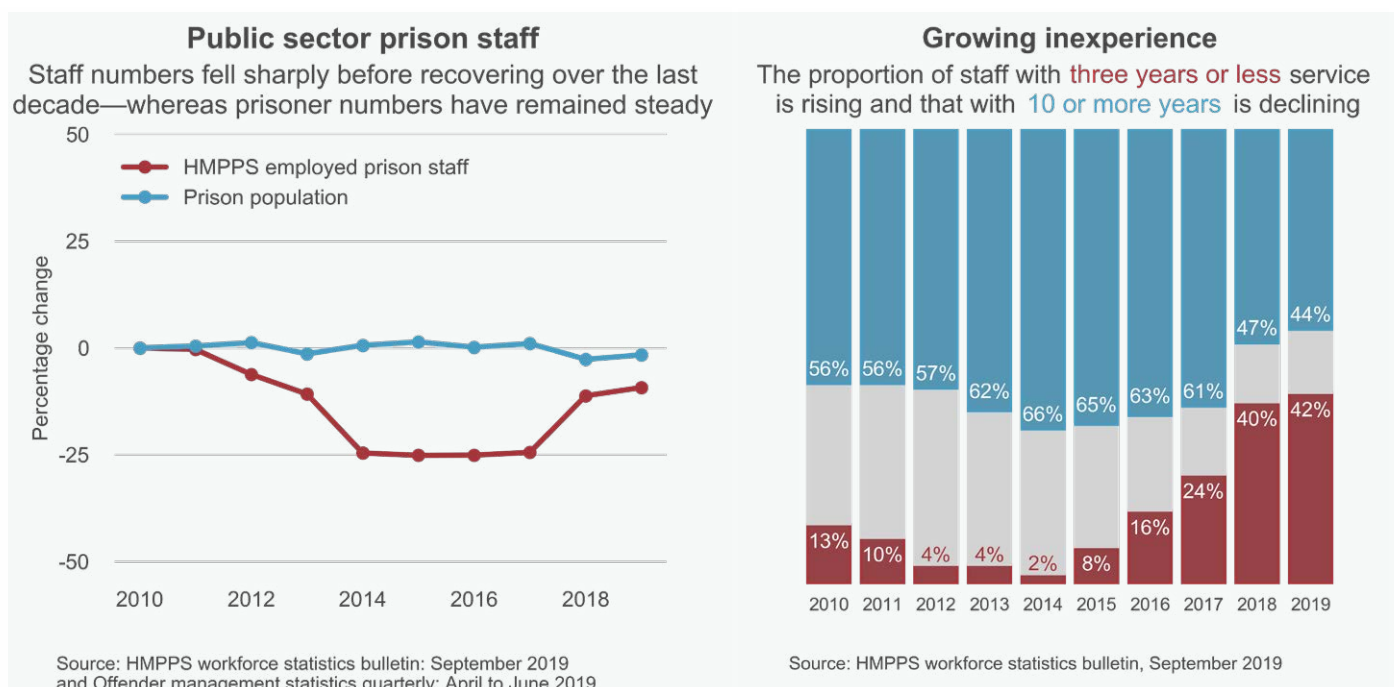
The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018. This target has been met, but there are still 9% fewer staff than there were in 2010.<sup>82</sup>

The transfer of HMP Birmingham from G4S this year, following concerns over safety, security and decency, has seen 366 officers transferred over to HMPPS. Without this, the total number of officers in public sector prisons would have declined in the past year.<sup>83</sup>

Retention remains a problem. More than half of officers (54%) who left the service in the last year had stayed in the role for less than two years.<sup>84</sup>

Staff experience has declined as a consequence. 42% of officers have been in post for less than three years—up from 13% in 2010.<sup>85</sup>

A new key worker role, to provide support to people during their sentence, is currently being introduced. Officers have a caseload of around six people, and roll out across the adult closed estate is due by the end of 2019.<sup>86</sup>



<sup>78</sup> Ministry of Justice (2018) Ministry of Justice annual report and accounts 2018–19, London: Ministry of Justice and previous editions; HM Prison and Probation Service (2019) Annual report and accounts 2018–19, London: HMPPS; and HM Treasury (2019) GDP deflators at market prices, and money GDP September 2019 (Quarterly national accounts), London: HM Treasury

<sup>79</sup> Ibid. and Ministry of Justice (2018) Memorandum on Main Estimate 2018–19, London: Ministry of Justice

<sup>80</sup> Table 1, Ministry of Justice (2019) Costs per prison place and cost per prisoner by individual prison establishment 2018 to 2019 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2018) GDP deflators at market prices, and money GDP September 2018 (Quarterly National Accounts), London: HM Treasury

<sup>81</sup> Table 3, Ministry of Justice (2019) HM Prison and Probation Service workforce statistics: September 2019, London: Ministry of Justice

<sup>82</sup> Ibid. and House of Lords written question HL1680, 18 October 2017

<sup>83</sup> Tables 3 and 15, Ministry of Justice (2019) HM Prison and Probation Service workforce statistics: September 2019, London: Ministry of Justice

<sup>84</sup> Table 13, Ibid.

<sup>85</sup> Table 4, Ibid.

<sup>86</sup> HM Prison and Probation Service (2019) Annual report and accounts 2018–19, London: HMPPS

## Private prisons

In England and Wales there were 14,832 people (18% of the prisoner population) held in private prisons as of 25 October 2019.<sup>87</sup>

There are 13 private prisons in England and Wales. They cost a total of £551.6m in 2018–19.<sup>88</sup>

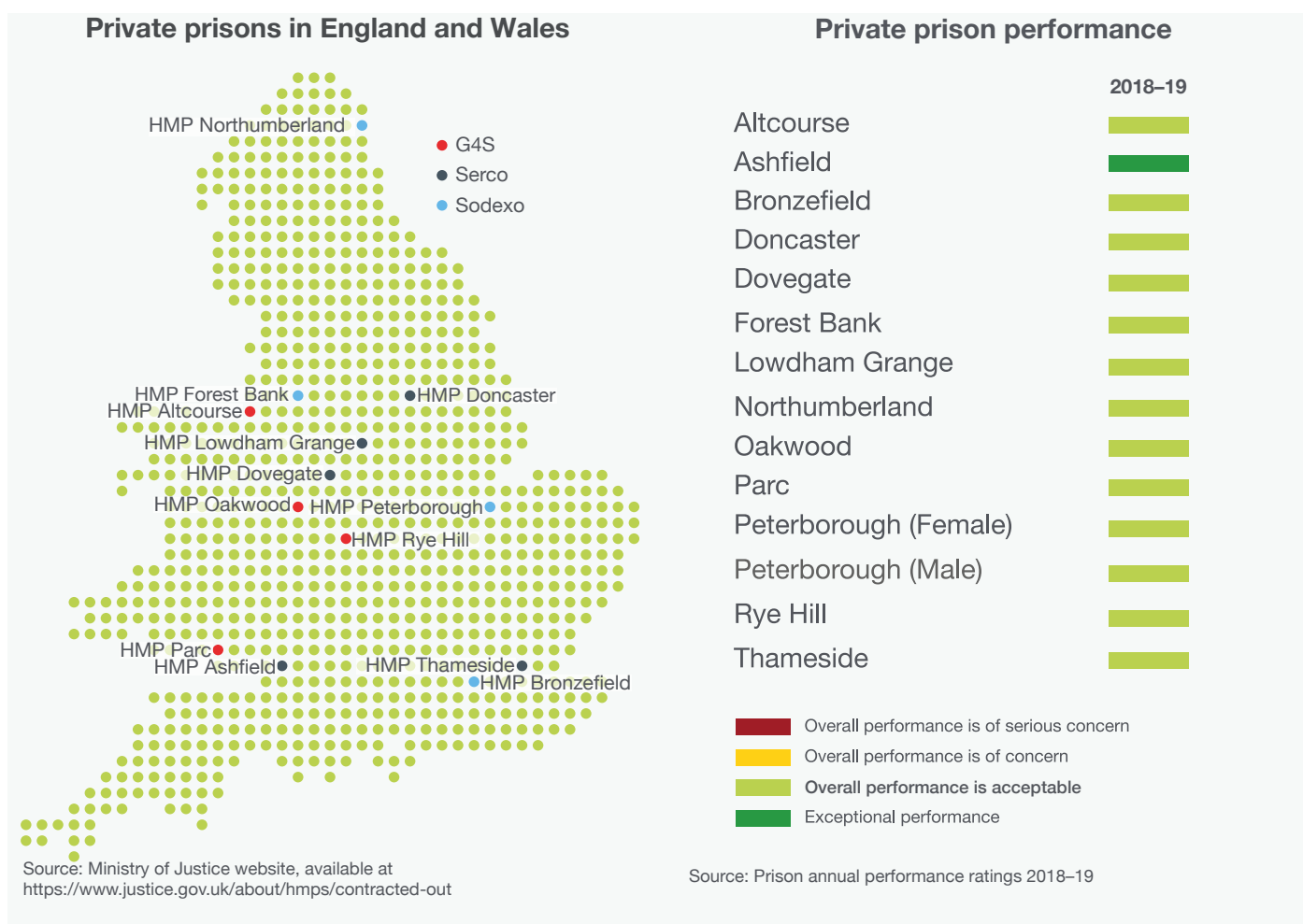
Nine of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more.<sup>89</sup> The contract for Parc is due to expire in 2022, and those for Altcourse and Lowdham Grange in 2023.<sup>90</sup>

There will be a competition to appoint prison operators for the new prisons at HMPs Wellingborough and Glen Parva. HM Prisons and Probation Service (HMPPS) will not bid to run either of the prisons<sup>91</sup>

HMPPS has taken over the management of HMP Birmingham from G4S and terminated the contract seven years early due to concerns over safety, security and decency.<sup>92</sup>

Five year contracts totalling nearly £470m were awarded to Carillion and Amey to provide works and facilities management services in public prisons.<sup>93</sup> However, the prison service has admitted that they will not achieve the promised £115m efficiency savings.<sup>94</sup>

Following the collapse of Carillion in January 2018, HMPPS has taken back responsibility for the maintenance of 52 prisons in the south of England. The establishment of the new Gov Facility Services Limited cost £4m, with an annual budget of £73m.<sup>95</sup>



87 Ministry of Justice (2019) Prison population monthly bulletin October 2019, London: Ministry of Justice

88 Table 2b, Ministry of Justice (2019) Prison performance statistics: Costs per place and costs per prisoner by individual prison establishment 2018 to 2019 tables, 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.

89 Hansard HC, 4 December 2013, c719W

90 House of Commons written question 200700, 10 December 2018

91 House of Commons written question 186403, 5 November 2018

92 Ministry of Justice website, accessed on 8 November 2019, available at <https://www.gov.uk/government/news/birmingham-prison-contract-ended>

93 Gov.uk Contract finder website, accessed on 16 September 2015, available at <https://www.contractsfinder.service.gov.uk/Search>

94 National Offender Management Service (2017) Annual report and accounts 2016–17, London: Ministry of Justice and House of Commons written statement HCWS5, 18 November 2014

95 HM Prison and Probation Service (2018) Annual report and accounts 2017–18, London: Ministry of Justice and

House of Commons Justice Committee (2018) Work of the Ministry of Justice, Oral evidence session: 6 November 2018, London: HM Stationery Office

# PEOPLE IN PRISON

## Social characteristics of adult prisoners

Characteristic	Prison population	General population
Taken into care as a child	24% (31% for women, 24% for men)	2%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Regularly truant from school	59%	5.2% (England) and 4.8% (Wales)
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 >1% of school pupils were permanently excluded (England)
No qualifications	47%	15% of working age population
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)	7.7% of the economically active population are unemployed
Never had a job	13%	3.9%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Have children under the age of 18	54%	Approximately 27% of the over 18 population*
Are young fathers (aged 18–20)	19%	4%
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women, 21% for men	6%
Have ever used Class A drugs	64%	13%
Drank alcohol every day in the four weeks before custody	22%	16% of men and 10% of women reported drinking on a daily basis

Prison population data taken from 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

General population data taken from:

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

Harker, L. et al. (2013) How safe are our children, London: NSPCC

Department for Education (2013) Pupil absence in schools in England, including pupil characteristics, London: DfE

Welsh Government (2013) Absenteeism by pupil characteristics 2011/12, Cardiff: Welsh Government

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

Office for National Statistics (2013) Labour market statistics, September 2013, London: ONS

Table KS611EW, Office for National Statistics (2012) 2011 Census, London: ONS

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

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

Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

\*This figure has been extrapolated using data from Table 1, ONS (2013) Families and households, 2012 and Table 1 (Reference Tables), ONS (2013) Population estimates for UK, England and Wales, Scotland and Northern Ireland—Mid 2012.

## What do people in prison say?

In July 2018 the Prisoner Policy Network (PPN) was launched as part of the Prison Reform Trust's strategic objective to give prisoners a stronger influence in how policy on prisons is made. It is an emerging network of current serving prisoners, ex-prisoners and their families who want to share their experiences and ideas with policy makers. The PPN is intended to make prisoners voices heard in the places where the policies that affect them are made; through research, consultation and reports.

This section is based upon two questions that we asked the network to respond to: "what incentives work in prison?" and "what do you need to make best use of your time in prison?", the findings of which are both published in separate reports. We received over 1,250 responses from prisoners, collected via letters, phone calls, emails and face to face visits to prisons across the country. We also received responses from ex-prisoners, academics, family members and supporting organisations.

This section is supplemented with responses to HM Chief Inspector of Prisons prisoner survey, and is taken from the inspectorate's annual report.

### The basics

**Basic material needs are not being met.** Many people in prison told us that they wanted access to fresh air, fresh fruit, access to legal photocopying, towels, medication and underwear that fits. That people lack access to basic provisions necessary for health and decency undermines any incentives scheme.

"How can we talk about incentives when we can't get the basics right, like safety, toilet roll and clean socks."

**Basic psychological needs, including feeling safe, access to mental health and addiction services, and spending time outside were also frequently left unmet.** This prevented many people from being able to think or care about useful investment of their time, or to positively engage with potentially rehabilitative aspects of prison life, including work, education and therapy.

**Fewer than two in five (39%) men in prison with mental health problems said that they had been helped with their mental health while in prison.**<sup>96</sup>

"In an erratic and arbitrary regime everyone is too concerned trying to reduce basic problems to be worried about IEP Incentives."

### Making the best use of time in prison

**The incentives offered under the Incentives and Earned Privileges (IEP) scheme are inaccessible, inconsistent or simply irrelevant to many.** Rather than incentivise good behaviour, many people felt that it only punished bad behaviour.

"If you live miles from family, have no money that can be sent in and no interest in the gym, there are no 'real' incentives to be enhanced."

**Only 37% of men in prison felt that they had been treated fairly under the IEP scheme, and just two in five prisoners said that it had encouraged them to change their behaviour.**<sup>97</sup>

**Greater transparency and communication around prison rules is necessary to create a stable foundation for prison life** Prisoners told us that being locked up before the allocated time and having their IEP status routinely downgraded following a transfer to a new prison undermined legitimacy.

"There must be a balance shift from punitive to reward with a transparent system that can be trusted to deliver...Current snakes and ladders approach brings nothing but contempt."

<sup>96</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>97</sup> Ibid.

## Maintaining connections

**Positive relationships with both prison staff and loved ones on the outside help to increase resilience and motivation.** Some prisoners described very positive relationships with prison staff—but this was not a universal experience.

“Someone believing in you, this is transformative for people in prison.”

**Prisoners told us that they were particularly keen for more consistent promotion of family contact—**particularly when they were held far from home.

**Only a fifth of prisoners (19% of men and 20% of women) received visits from family or friends at least once a week.**<sup>98</sup>

**Access to technology was considered a key part of maintaining their connection to family and friends, as well as society more generally.** In-cell phones, the opportunity to phone family and friends at more flexible hours, and the possibility of Skype calls were all seen as powerful incentives. Furthermore, many felt that they would be more “world ready” with greater access to technology and feared being left behind by technological advancements that would leave them ill-equipped to face the world upon release.

“I think prisoners should have access to a laptop computer in their cells. This would empower many prisoners to develop IT skills which are necessary for a person re-entering society.”

## Preparing for release

**Finding a sense of meaning through personal development, often through education, work and training is important to prisoners.** These were regarded both as a way of regaining a sense of self within prison as well as preparing for a future after release.

“Education, simple as that, you need something to stimulate your brain and give you something to aim for. It makes the sentence easier, and hopefully sets you up for release, at least that’s how it should be.”

**Prisoners have valuable skills that they would like to develop and put to use within the prison community, and eventually outside of prison to benefit society more broadly.** There is a strong desire for increased responsibility and greater control over their own lives.

“Why not rather than doing menial low skilled work, give us the chance to create discounted furniture for low-income households? That would create meaningful work while also giving us the chance to contribute positively to society.”

**Prisoners need to learn practical life skills to prepare them for life outside prison.** Cooking, cleaning, budgeting, debt management, accessing emotional support and how to find job opportunities in the community were all identified as critical on release.

**Just 40% of men in prison who had held a prison job at some point felt that it would help them on release.**<sup>99</sup>

Less than a quarter (23%) of men in prison reported they were receiving help with getting into employment upon release, and even fewer (20%) with setting up education or training.<sup>100</sup>

“I have to be prepared for the world I am to be released into.”

<sup>98</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

## People on remand

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

**People remanded to custody to await trial are innocent until proven guilty.** There were 29,566 receptions into prison before trial in the year to June 2019.<sup>101</sup>

**Most people (53%) entering prison on remand awaiting trial are accused of non-violent offences**—15% were for theft offences, and 14% for drug offences.<sup>102</sup>

**People may also be remanded to custody after they have been found guilty, but are yet to be sentenced.** 19,698 people were remanded into prison awaiting sentence in the year to June 2019.<sup>103</sup>

**More than one in 10 people in prison (11%) are there on remand**—9,602 people. The majority are awaiting trial (65%), whilst the rest await sentencing.<sup>104</sup>

**One in 10 people remanded into custody by magistrates' courts were subsequently acquitted.** A further 13% received a non-custodial sentence. In the Crown Court, the figures were 12% and 13%, respectively.<sup>105</sup>

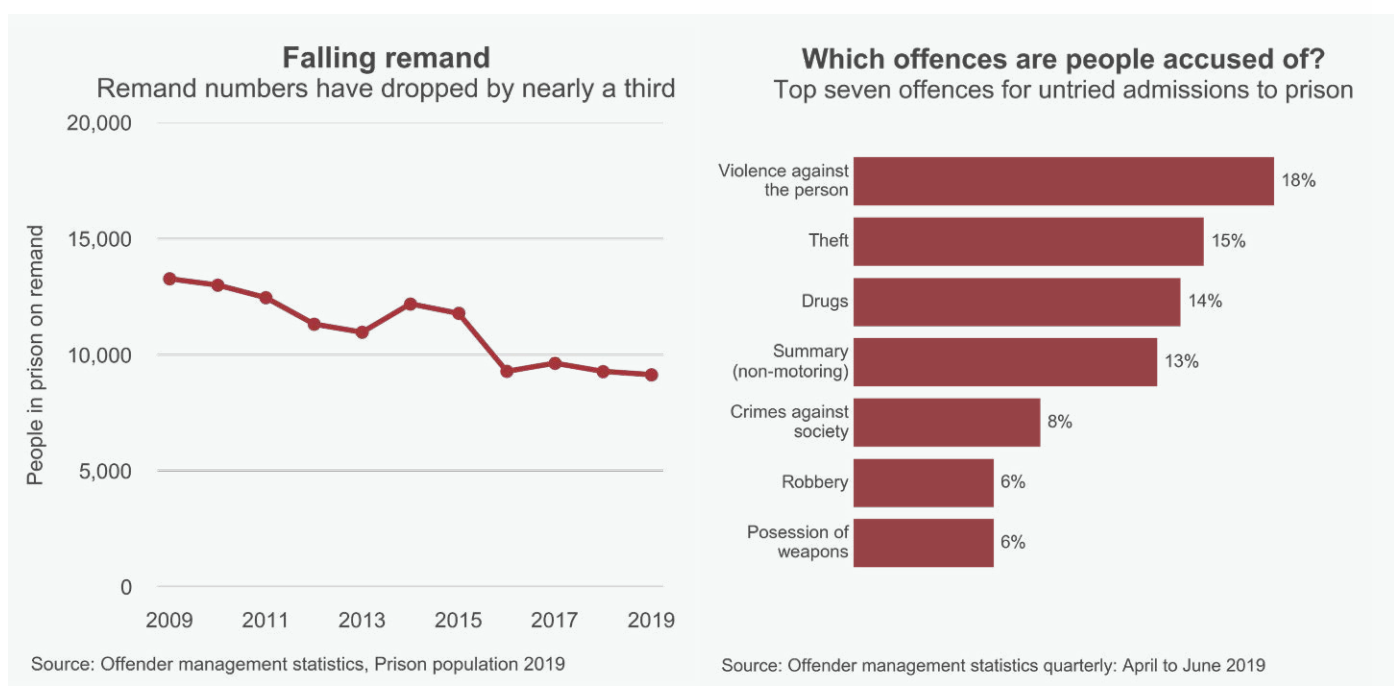
**Remand prisoners receive no financial help from the prison service at the point of release.** Those acquitted receive no compensation.

**Nearly three in 10 (29%) self-inflicted deaths in 2018 were by people held on remand.**<sup>106</sup>

**Use of remand for children has fallen in the last decade, declining by 64% since its peak in 2008.** However, last year saw a 19% increase on 2017.<sup>107</sup>

**On average 217 children were in held in prison on remand in 2018.** They account for around one in four children in prison (24%)—this has remained broadly the same over the last decade.<sup>108</sup>

**More than a quarter of children (27%) remanded into custody in 2018 were subsequently acquitted**—a further 36% were given a non-custodial sentence.<sup>109</sup>



<sup>101</sup> Table 2.4a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>102</sup> Table 2.4b, Ibid.

<sup>103</sup> Table 2.4a, Ibid.

<sup>104</sup> Table 1.1, Ibid.

<sup>105</sup> Table Q4.4, Ministry of Justice (2018) Criminal justice statistics quarterly June 2019, London: Ministry of Justice

<sup>106</sup> Table 1.11, Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2019, London: Ministry of Justice

<sup>107</sup> Table 6.2, Ministry of Justice (2019) Youth justice statistics 2017/18, London: Ministry of Justice and previous editions

<sup>108</sup> Table 6.2, Ministry of Justice (2019) Youth justice statistics 2017/18, London: Ministry of Justice

<sup>109</sup> Table 6.5, Ibid.

## Black, Asian and minority ethnic people in prison

Over a quarter (27%) of the prison population, 22,619 people, are from a minority ethnic group.<sup>110</sup>

If our prison population reflected the ethnic make-up of England and Wales, we would have over 9,000 fewer people in prison—the equivalent of 12 average-sized prisons.<sup>111</sup>

The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234m a year.<sup>112</sup>

There is a clear direct association between ethnic group and the odds of receiving a custodial sentence. Black people are 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.<sup>113</sup>

Black men are 26% more likely than white men to be remanded in custody. They are also nearly 60% more likely to plead not guilty.<sup>114</sup>

### Muslim prisoners

The number of Muslim prisoners has more than doubled over the past 17 years. In 2002 there were 5,502 Muslims in prison, by 2019 this had risen to 13,341.<sup>115</sup> They now account for 16% of the prison population, but just 5% of the general population.<sup>116</sup>

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 40% are Asian, 29% are black, 16% are white and 9% are mixed.<sup>117</sup>

Only 169 people, 1% of Muslims in prison, are currently there for terrorism related offences.<sup>118</sup>

### Treatment and conditions

BAME people in prison often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe at the time of the inspectorate's survey, fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been bullied or victimised by staff. Responses by Muslim prisoners in these areas were even worse.<sup>119</sup>

BAME people in prison are more likely to report having been recently restrained or placed in segregation.<sup>120</sup>

BAME men are more likely to be placed in high security prisons than white men who have committed similar types of offences. The difference was highest for public order offences, with black men over four times more likely and Asian men over six times more likely to be held in a high security prison.<sup>121</sup>

Discrimination complaints are inadequately investigated “all too often” according to the Prisons and Probation Ombudsman. Investigations are subject to long delays, staff lack training and confidence, and prisons often fail to collect the equalities data needed to conduct a meaningful investigation.<sup>122</sup>

### Gypsy, Roma and Traveller prisoners

5% of people in prison said that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England. Inspectors found that most prisons they visited were still not aware of their existence or needs.<sup>123</sup>

110 Table 1.4, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

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

112 Kneen, H. (2017) An exploratory estimate of the economic cost of black, Asian and minority ethnic net overrepresentation in the criminal justice system in 2015, London: Ministry of Justice

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

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

115 Table A1.10, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

116 Ibid. and Lammy, D. (2017) The Lammy review, London: Ministry of Justice

117 House of Lords written question HL3275, 5 January 2017

118 Table P.04, Home Office (2019) Operation of police powers under the Terrorism Act 2000: quarterly update to June 2019, London: Home Office and

Table A1.10, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

119 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

120 Ibid.

121 Table 5.4, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

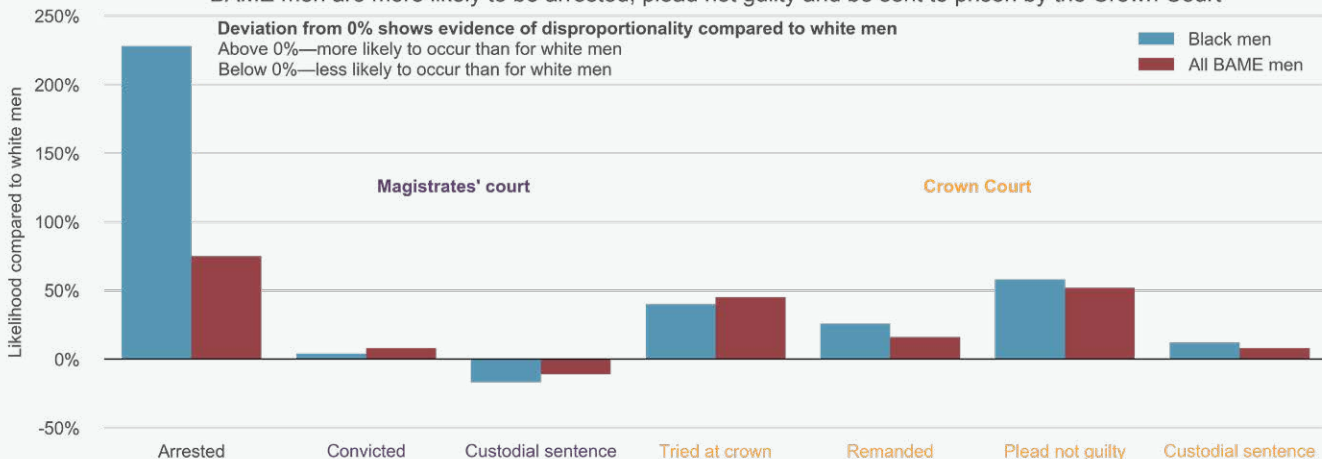
122 Prisons and Probation Ombudsman (2018) Learning lessons bulletin: Complaints about discrimination, London: Prisons and Probation Ombudsman

123 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office and Irish Traveller Movement in Britain (2013) Gypsy and Traveller population in England and the 2011 Census, London: ITMB and Office for National Statistics (2013) Annual mid-year population estimates, 2011 and 2012, London: ONS



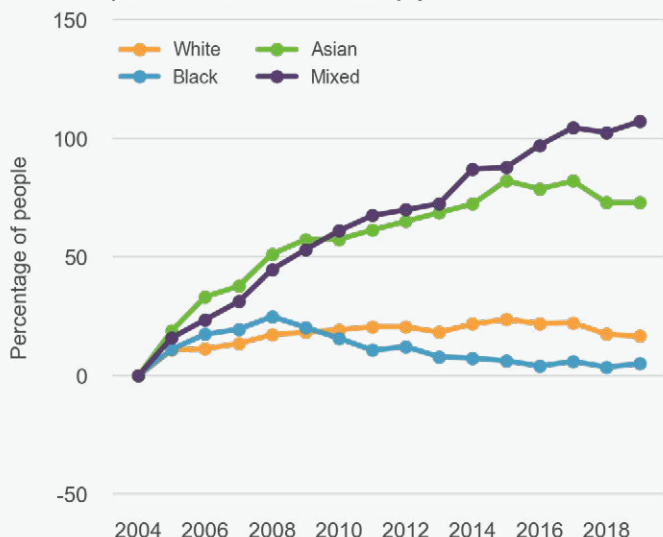
### Equal justice?

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



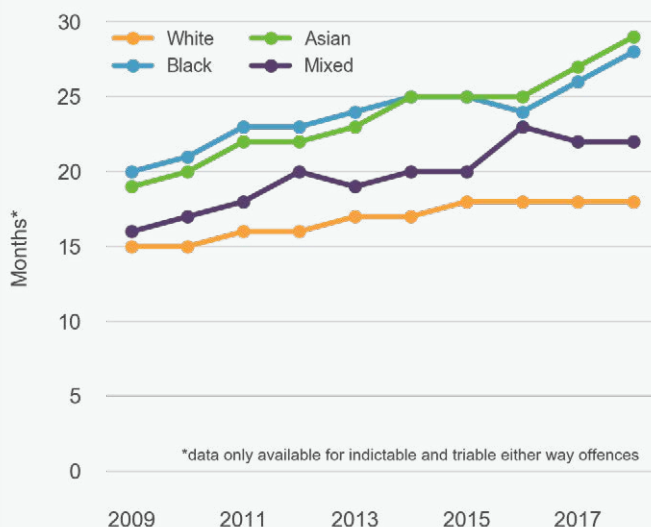
Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

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



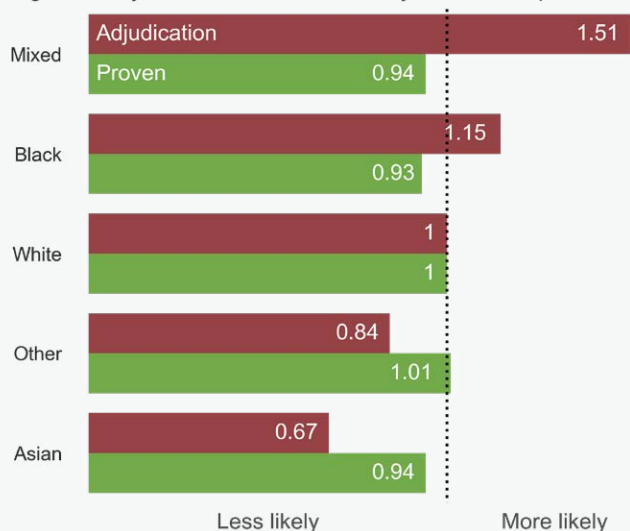
Source: Offender management statistics, Prison population 2019

### Average custodial sentence lengths are higher for black, Asian and mixed ethnicity people—and have risen sharply



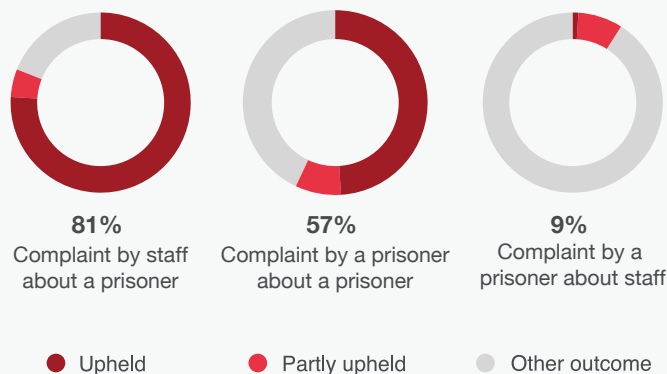
Source: Criminal justice statistics quarterly December 2018, Outcomes by offence tool

### Black and mixed ethnicity prisoners are more likely to get an adjudication—but less likely for it to be proven



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

### Discrimination complaints about staff are significantly less likely to be upheld or partly upheld



Source: Prison Reform Trust (2017) Tackling discrimination in prison (Based on 610 investigations from eight London prisons in 2014)

## Older people in prison

Older prisoners can be split into four main profiles, each with different needs:

**Repeat prisoners.** People in and out of prison for less serious offences and who have returned to prison at an older age.

**Grown old in prison.** People sentenced for a long sentence prior to the age of 50 and who have grown old in prison.

**Short-term, first-time prisoners.** People sentenced to prison for the first time for a short sentence.

**Long-term, first-time prisoners.** People sentenced to prison for the first time for a long sentence, possibly for historic sexual or violent offences.

Many experience chronic health problems prior to or during imprisonment as a result of poverty, poor diet, inadequate access to healthcare, alcoholism, smoking or other substance abuse. The psychological strains of prison life can further accelerate the ageing process.

The Prison Reform Trust, along with HM Chief Inspector of Prisons, the Prisons and Probation Ombudsman, Age UK and other organisations have called for a national strategy for work with older people in prison,<sup>124</sup> something the Justice Committee agreed with and has stated: “It is inconsistent for the Ministry of Justice to recognise both the growth in the older prisoner population and the severity of their needs and not to articulate a strategy to properly account for this.”<sup>125</sup>

The Care Act means that local authorities now have a duty to assess and give care and support to people who meet the threshold for care and are in prisons and probation hostels in their area.

**With prison sentences getting longer, people are growing old behind bars.** People aged 60 and over are the fastest growing age group in the prison estate. There are now more than triple the number there were 15 years ago.<sup>126</sup>

**17% of the prison population are aged 50 or over – 13,890 people.** Of these 5,157 are in their 60s and a further 1,813 people are 70 or older.<sup>127</sup>

**Despite the significant rise in the number of older people in prison in recent years, the government projects the population to remain constant or fall.** However, this year the population has continued to increase.<sup>128</sup>

**45% of men in prison aged over 50 have been convicted of sex offences.** The next highest offence category is violence against the person (23%) followed by drug offences (9%).<sup>129</sup>

**234 people in prison were aged 80 or over as of 31 December 2016.** 219 were in their 80s, 14 were in their 90s, and 1 was over 100 years old—87% were in prison for sexual offences.<sup>130</sup>

**The majority of 80 year olds in prison (92%) were aged 70 or older when sentenced to custody.**<sup>131</sup>

**Nearly a third (32%) of people serving an indeterminate sentence are aged 50 or over.** 2,297 people are serving life sentences and a further 666 are serving an Indeterminate sentence for Public Protection (IPP).<sup>132</sup>

<sup>124</sup> Prison Reform Trust and Restore Support Network (2016) Social care or systematic neglect: Older people on release from prison, London: Prison Reform Trust and Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman

<sup>125</sup> House of Commons Justice Committee (2013) Older Prisoners, London: HM Stationery Office.

<sup>126</sup> Table A1.7, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

<sup>127</sup> Table 1.3, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

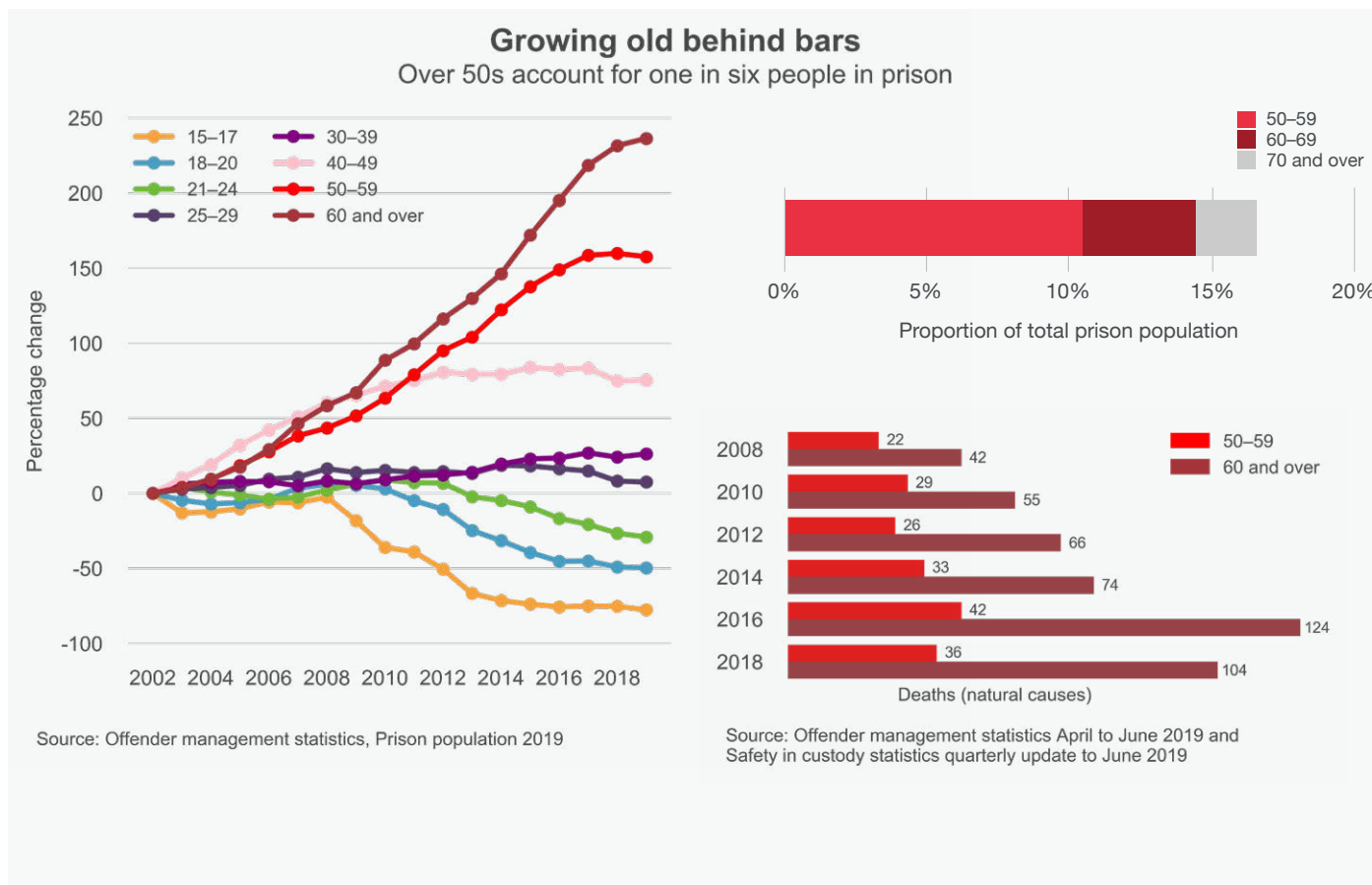
<sup>128</sup> Ibid. and Table 4.1, Ministry of Justice (2019) Prison population projections 2019 to 2024, London: Ministry of Justice

<sup>129</sup> House of Lords written question HL3278, 5 January 2017

<sup>130</sup> Table 1, Ministry of Justice (2017) Further breakdown of the prison population by age and offence group as at 31 December 2016, London: Ministry of Justice

<sup>131</sup> House of Lords written question HL2097, 27 October 2017

<sup>132</sup> Table A1.16, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice



## Treatment and conditions

**140 people aged 50 or over died of natural causes whilst in prison in 2018**—more than double the number a decade ago.<sup>133</sup>

**Six out of 10 older people in prison (59%) report having a long-standing illness or disability.** This compares with just over a quarter (27%) of younger prisoners.<sup>134</sup>

**Inspectors found that provision for older people in prison remains variable and underdeveloped.** Whilst some prisons offered good facilities and age-specific activities, others had no specific provision and little meaningful activity for those not in work—in some prisons inspectors found retired prisoners locked up for most of the day.<sup>135</sup>

**Older prisoners interviewed on entering prison for the first time often suffered from ‘entry shock’.** This was made worse by a lack of information and an unfamiliarity with prison regimes and expectations. Delays in accessing health care and receiving medication were a particular cause of concern.<sup>136</sup>

## Resettlement

**A National Institute for Health Research study found that release planning for older prisoners was frequently non-existent.** The lack of information received by prisoners in preparation for their release caused high levels of anxiety. Many reported minimal or no contact from probation workers or offender managers.<sup>137</sup>

**Three out of a total of five prisons surveyed said that their health care centre helped older people to register with a GP as part of their resettlement support.** However, 13 out of 14 former prisoners surveyed said they had no referral to a local GP. Despite the small size of the sample, the study suggests that many older people are being released without the continuity of medical care they require.<sup>138</sup>

<sup>133</sup> Table 1.3, Ministry of Justice (2019) Safety in custody statistics quarterly update to June 2019, London: Ministry of Justice

<sup>134</sup> Omolade, S. (2014) The needs and characteristics of older prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

<sup>135</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>136</sup> Senior, J., et al. (2013) Health and social care services for older male adults in prison: the identification of current service provision and piloting of an assessment and care planning model. Health Services and Delivery Research 2013,1, Southampton: NIHR Journals Library

<sup>137</sup> Ibid.

<sup>138</sup> Prison Reform Trust and Restore Support Network (2016) Social care or systematic neglect: Older people on release from prison, London: Prison Reform Trust

## Life and indeterminate sentences

**Many people in prison don't know if, or when, they might be released.** 11,025 people are currently in prison serving an indeterminate sentence—15% of the sentenced prison population, up from 9% in 1993.<sup>139</sup>

**England and Wales have more people serving life sentences than Germany, Russia, Italy, Poland, the Netherlands and Scandinavia combined**—the highest in Europe by a significant margin.<sup>140</sup>

**They must serve a minimum period in prison, set by the courts, before they can be considered for release by the Parole Board.** They are subject to monitoring and restrictions on release, and continue to serve their sentence for the rest of their lives. They can be returned to custody if they break these terms.

### Indeterminate sentence for Public Protection (IPP)

**Despite its abolition in 2012, there are 2,223 prisoners in prison serving an IPP sentence who have never been released. More than nine in 10 people are still in prison despite having already served their tariff**—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.<sup>141</sup>

**16% of people who have yet to be released have a tariff of less than two years, and 40% have a tariff of between two and four years.**<sup>142</sup>

**358 people have yet to be released from prison despite being given a tariff of less than two years**—over half of these (187 people) have served ten years or more beyond their original tariff.<sup>143</sup>

**There are a further 1,206 people serving an IPP sentence who are back in prison having previously been released—a 25% rise in only a year.** The Parole Board has said it remains concerned about this.<sup>144</sup>

**More people serving an IPP sentence are now being recalled than released.** Over the last 12 months 636 IPP prisoners on licence were recalled and returned to custody, whereas only 433 people were released.<sup>145</sup>

**The Parole Board has predicted that, without legislation, there will still be 1,500 people in prison serving an IPP by 2020.**<sup>146</sup>

### Life sentences

**7,046 people are currently in prison serving a life sentence.** Half have a tariff of 10–20 years, 27% have over 20 years and 18% have 10 years or less.<sup>147</sup>

**A quarter of people currently in prison on a life sentence have already served their minimum tariff.**<sup>148</sup>

**People serving mandatory life sentences are spending more of their sentence in prison.** On average they spend 17 years in custody, up from 13 years in 2001.<sup>149</sup>

**Judges are also imposing longer tariff periods.**<sup>150</sup> The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.<sup>151</sup>

**There are currently 63 people serving a whole life sentence**—they are unlikely to ever be released.<sup>152</sup>

**The vast majority of life sentenced prisoners are successfully integrated back into the community on release.** 5% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 48% of the overall prison population.<sup>153</sup>

<sup>139</sup> Table 1.1 and 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

<sup>140</sup> Table 10, Aebi, M., et al. (2019) Council of Europe annual penal statistics, survey 2018, Strasbourg: Council of Europe

<sup>141</sup> Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>142</sup> Ibid.

<sup>143</sup> Table 1.9b, Ibid.

<sup>144</sup> Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice and

The Parole Board (2018) Annual report and accounts 2017/18, London: HM Stationery Office

<sup>145</sup> Tables 3.1 and 5.4, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>146</sup> Jones, M. (2016) Written advice to Nick Hardwick, London: Parole Board. Available at <http://bit.ly/IPPadvice>

<sup>147</sup> Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>148</sup> Ibid.

<sup>149</sup> Table A3.3, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice and

Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

<sup>150</sup> Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

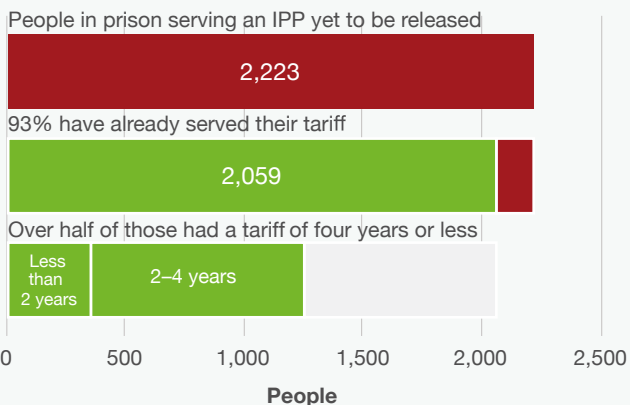
<sup>151</sup> Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL2315, 6 November 2017

<sup>152</sup> Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>153</sup> Table C2a, Ministry of Justice (2019) Proven reoffending statistics: July to September 2017, London: Ministry of Justice

### The legacy of the IPP

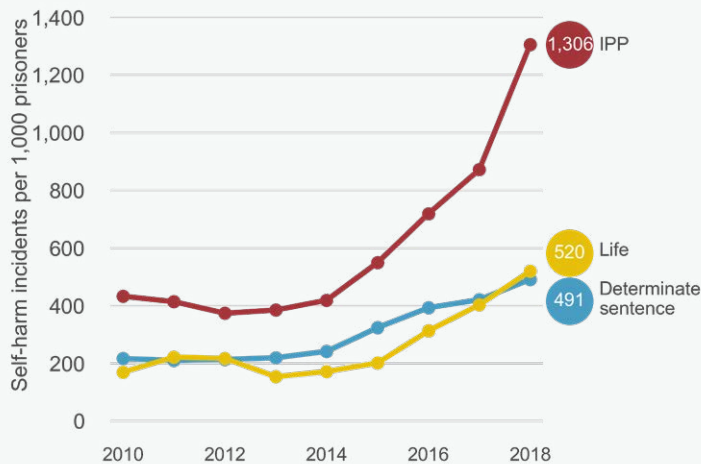
Over nine in 10 are stuck in prison beyond tariff



Source: Offender management statistics quarterly: April to June 2019

### Risk of harm?

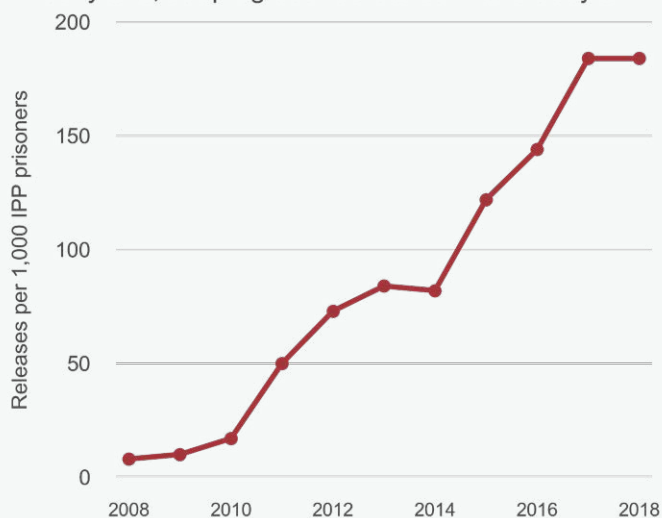
IPP prisoners are more vulnerable to self-harm



Source: Safety in custody statistics quarterly update to June 2019 and Offender management statistics, Prison population 2019

### Successful release

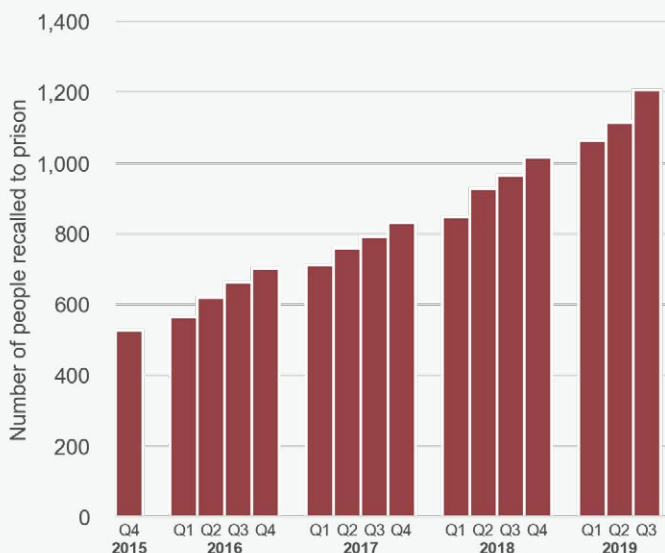
Release rates for IPPs have risen sharply over the last four years, but progress has stalled in the last year



Source: Offender management statistics, Prison releases 2019 and Offender management statistics, Prison population 2019

### But success is short-lived for some

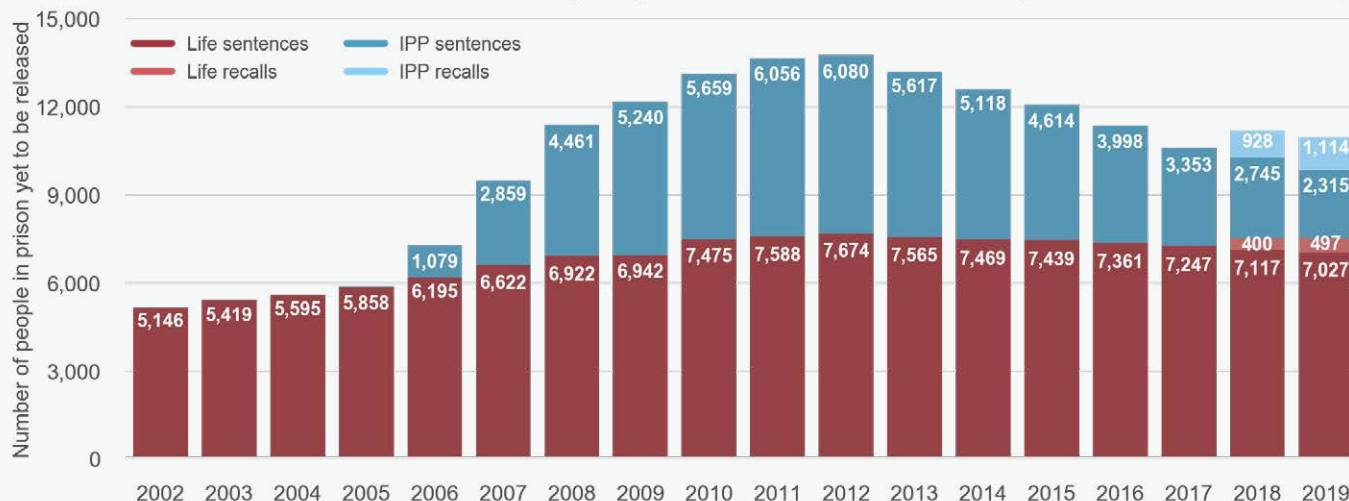
Growing numbers are ending up back in prison



Source: Offender management statistics quarterly ending March 2019 and previous editions

### The growth of indeterminate sentences

Use of indeterminate sentences has risen greatly in the last decade—it is starting to fall but recalls are rising



Source: Offender management statistics, Prison population 2019 and Offender management statistics ending March 2019

## People with learning disabilities and difficulties

People with learning disabilities or difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. They are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.<sup>154</sup>

Following a review by Lord Bradley of people with mental health and learning disabilities in the criminal justice system, and his subsequent report (The Bradley Report, 2009), the government invested in liaison and diversion services in police custody suites and the criminal courts. Liaison and diversion services help to identify people with mental health and learning disabilities, autism and other needs as early as possible as they enter the criminal justice system. Information from liaison and diversion services helps to inform criminal justice decision making and referrals into local services, as appropriate, including diversion away from the criminal justice system.

A joint inspection of the treatment of offenders with learning disabilities, published in 2015, found that improvements to services for this group have been limited and slow to implement; there was evidence that many prisons and probation trusts were either unaware of or unwilling to implement National Offender Management Service instructions and the Equality Act 2010, with probation and prison leaders often unclear of their statutory duty to make reasonable adjustments to services for people with a disability.

The Care Act 2014 places a duty on local authorities to assess the social care needs of prisoners and people living in probation hostels and, where eligible needs are identified, to ensure the necessary care and support is provided. Inspectors found that most prisons worked effectively with their local authorities and care providers to deliver social care.<sup>155</sup>

**Over a third of people (34%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2017–18.**<sup>156</sup>

**7% of people in contact with the criminal justice system have a learning disability**—this compares with around 2% of the general population.<sup>157</sup>

**Despite isolated good practice, for example at HMPs Parc and Littlehey, inspectors found that there has been a lack of focus and leadership from central government which has meant that little discernible progress has been made in improving the lives of this vulnerable group of offenders.**<sup>158</sup>

**Inspectors have found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult.”**<sup>159</sup>

**However, more than half of prisons inspected in 2016–17 were actively identifying and supporting prisoners with learning disabilities**<sup>160</sup>

**Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule, they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.**<sup>161</sup>

**Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression**—many were both anxious and depressed.<sup>162</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.**<sup>163</sup> Over half of such prisoners say they had been scared while in prison and almost half say they have been bullied or that people have been nasty to them.<sup>164</sup>

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

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

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

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

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

159 Ibid.

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

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

162 Ibid.

163 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

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

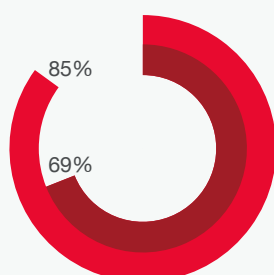
## Learning disabilities and difficulties in prisons

Struggling to understand and be understood

● Learning disabilities and difficulties

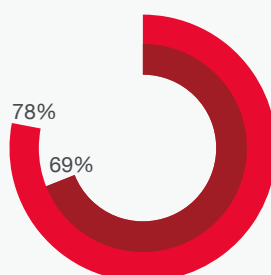
● Learning disabilities

### Problems reading prison information



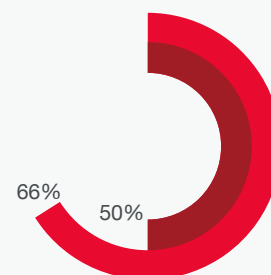
More than **four-fifths** of people in prison with learning disabilities struggle

### Problems filling in prison forms



More than **three-quarters** of people in prison with learning disabilities struggle

### Problems making themselves understood



**Two-thirds** of people in prison with learning disabilities struggle

Source: Prison Reform Trust, Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties

**The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.**<sup>165</sup>

**There is currently 92% population coverage of liaison and diversion services across England. Full national rollout is expected by 2020–21.**<sup>166</sup>

**People referred to liaison and diversion services valued their support.** They provided reassurance during a distressing time, giving practical support for referrals into local services as well as advocacy.<sup>167</sup>

**There was also a small but significant increase in the number and proportion of adults offered appointments with learning disability services and support for financial need.**<sup>168</sup>

**An independent review found that “significant progress has been made towards achieving the vision laid out in The Bradley Report. The Crisis Care Concordat, the National Liaison and Diversion Development Programme...and Street Triage pilots are considerable achievements”.**<sup>169</sup>

**However, it repeated Lord Bradley’s call for mental health and learning disability awareness training for all frontline criminal justice and health staff, which should be regularly updated.**<sup>170</sup>

**To ensure the government’s proposals for a national roll-out of liaison and diversion services across England are fully implemented, the Prison Reform Trust and the National Federation of Women’s Institutes formed the Care not Custody coalition.** The coalition comprises 37 allied professional groups and charities representing almost two million people across the health, social care and justice sectors and wider civic society.

In 2013 the Welsh Government published policy implementation guidance for Criminal Justice Liaison Services in Wales. A survey in 2016 found some local innovative practice but that understanding of the service, availability of provision and collaboration varied across Wales. Service improvements will be taken forward as part of the Welsh Government’s delivery plan for Together for Mental Health.<sup>171</sup>

<sup>165</sup> Department of Health website, accessed on 6 December 2017, available at <https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

<sup>166</sup> House of Commons written question 249321, 11 November 2019

<sup>167</sup> Disley, E., et al. (2016) Evaluation of the offender liaison and diversion trial schemes, Cambridge: RAND

<sup>168</sup> Ibid.

<sup>169</sup> Durcan, G., et al. (2014) The Bradley report five years on: an independent review of progress to date and priorities for further development, London: Centre for Mental Health

<sup>170</sup> Ibid.

<sup>171</sup> Correspondence between the Prison Reform Trust, Welsh Government, Department of Health and Social Services

## Foreign nationals in prison

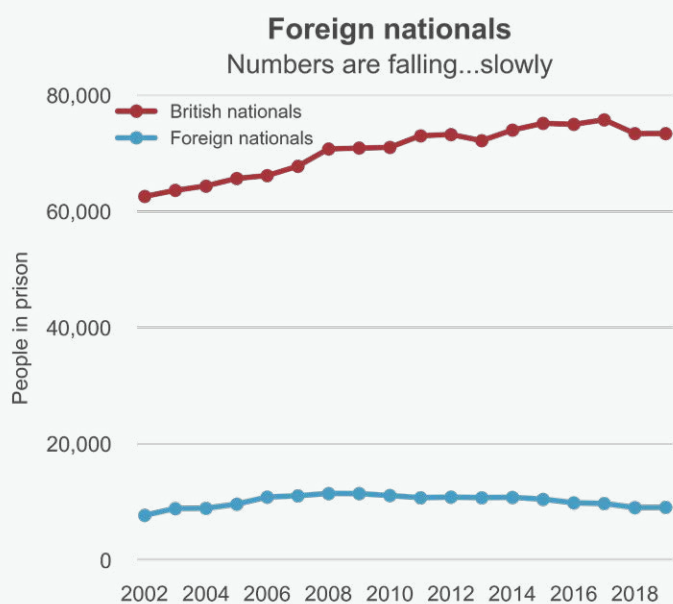
The term ‘foreign national prisoner’ encompasses many different people. People may have come to the UK as children with parents; they may be second generation immigrants—often from former colonies; asylum seekers; people who have been given indefinite leave to remain as refugees; European and European Economic Area nationals or Irish nationals; people who have been trafficked into the country; people who would be persecuted if they returned to their country of origin; people who were entering or leaving the UK on false documents and were arrested at port of entry/exit; people who have entered the UK illegally; people who entered the UK as students and have over stayed on their visa; visitors or workers who have got involved in the criminal justice system.

All foreign national prisoners who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within defined exceptions. People contesting their deportation because they have family in the UK are no longer entitled to legal aid.

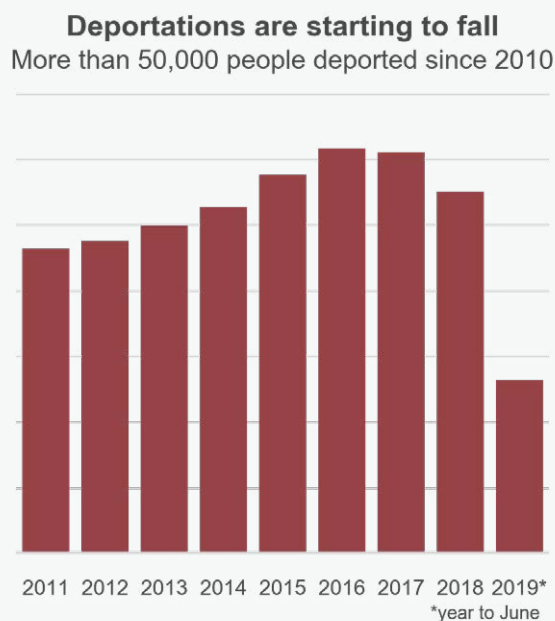
The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place. However transfers within the EU, and to Nigeria and Albania can take place without the consent of the prisoner; the implications of the decision to leave the EU on the transfer agreement are as yet unclear. Plans to construct a new 112-place prison wing in Nigeria were announced in March 2018.

People who have completed their sentence but are not UK nationals continue to be held in prison, released or moved to an immigration detention centre.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced a new Tariff Expired Removal Scheme (TERS) for foreign nationals serving an indeterminate prison sentence. The scheme allows those who are confirmed by UK Visas and Immigration to be liable for 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. TERS is mandatory; all foreign nationals serving an indeterminate prison sentence who are liable must be considered for removal under the scheme.



Source: Offender management statistics, Prison population 2019



Source: Immigration statistics, year ending June 2019



**Foreign nationals (non-UK passport holders) currently make up 11% of the prison population in England and Wales.** On 30 September 2019 there were 9,221 foreign nationals in prison.<sup>172</sup>

**Foreign national prisoners come from 164 countries**—but over half are from eight countries (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Somalia and Pakistan).<sup>173</sup>

**The number of foreign nationals in prison in England and Wales has been steadily decreasing over the last decade.** Between 2002–09 numbers rose by nearly 50%, compared with a 13% increase in British nationals. However, since then, numbers have steadily fallen.<sup>174</sup>

**10% of women in prison are foreign nationals.**<sup>175</sup> Some are known to have been coerced or trafficked into offending.<sup>176</sup>

**More than eight in 10 (81%) foreign nationals entering prison to serve a sentence in 2017 were sent there for non-violent offences.**<sup>177</sup>

**Inspectors found that provision for foreign nationals was mixed.** Interpreting services were not always used when they should have been, including the use of other prisoners when accuracy and confidentiality was required. Prisoners struggled to access immigration-specific legal advice.<sup>178</sup>

**Foreign nationals have less opportunity to occupy their time meaningfully in prison than British nationals.** They are less likely to have a job, less likely to spend time out of their cells, and less likely to be in vocation or skills training.<sup>179</sup>

## Removal and deportation

**The average number of days taken to remove a foreign national eligible for deportation as a result of their offending is 91 days**—however many people are detained for considerably longer.<sup>180</sup>

**70 people are still in detention after a year or more, awaiting deportation.**<sup>181</sup>

## Immigration detainees

**294 people were still held in prison at the end of June 2019 under immigration powers, despite having completed their custodial sentence.**<sup>182</sup> Inspectors found that some people were notified late on in their sentences that they would continue to be held under immigration powers—in some cases the day before their sentence ended.<sup>183</sup>

**Unlike those held in prisons, people held in Immigration Removal Centres are entitled access to mobile phones, the internet, legal advice and additional safeguards.**<sup>184</sup>

**The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has stated that holding immigration detainees in prison is “fundamentally flawed”.**<sup>185</sup>

**Nearly £35m was awarded in compensation for the unlawful detention of foreign nationals between 2012 and 2019.**<sup>186</sup>

172 Table 1.7, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice  
173 Ibid.

174 Table A1.9i, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

175 Table 1.7, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

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

177 House of Commons written question 141741, 16 May 2018

178 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

179 Ibid.

180 Table FNO\_10, Home Office (2018) Immigration enforcement data: February 2018, London: Home Office, NB The Home Office has suspended publication of this source pending the outcome of a review into the quality of the data

181 Table FNO\_6, Home Office (2019) Immigration enforcement data: August 2019, London: Home Office

182 Table dt\_12\_q, Home Office (2019) Immigration statistics, year ending June 2019, London: Home Office

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

184 HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

185 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe

186 Table 1, House of Commons Home Affairs Committee (2019) Immigration detention, London: HM Stationery Office and Home Office (2019) Annual report and accounts 2018–19, London: HM Stationery Office

## Women in prison

Women are a minority within the criminal justice system, accounting for around 10% of the probation caseload and less than 5% of the prison population. The drivers to their offending differ significantly from men's and they often have more complex needs.

A series of inquiries and reports in recent decades have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who offend, including the influential Corston Report on women with particular vulnerabilities in the criminal justice system—published over a decade ago.

In June 2018, the Ministry of Justice published its long awaited Female Offender Strategy “to improve our collective approach to female offenders and make society safer by tackling the underlying causes of offending and reoffending”.<sup>187</sup> It promises a focus on early intervention, community-based solutions and better custody for those women who do have to be in prison. It recognises the evidence base for a distinct approach to women and the case for a local “whole systems approach”. In September 2018 a cross-government Victims Strategy was published, promising to “use trauma-informed approaches to support female offenders who are also victims”. The Government also commissioned Lord Farmer to “look at women in the criminal justice system through the lens of family and other relational ties”. Lord Farmer reported in June 2019, noting that his recommendations “will need investment, from both national and local budgets, in women’s centres, domestic abuse and other community services and inside prisons...a relatively modest investment will go a long way.”<sup>188</sup>

Ministers in England, Wales and Scotland have all committed to reducing women’s imprisonment. For data on women in Scotland and Northern Ireland please see pages 56 and 59.

### Use of custody

**On 6 December 2019 there were 3,783 women in prison in England and Wales.**<sup>189</sup> 7,278 women entered prison in the year to June 2019—either on remand or to serve a sentence.<sup>190</sup>

**Many women remanded into custody don’t go on to receive a custodial sentence**—in 2016, 60% of women remanded by the magistrates’ court and 41% by the Crown Court didn’t receive a custodial sentence.<sup>191</sup>

**Most women entering prison to serve a sentence (80%) have committed a non-violent offence.**<sup>192</sup>

**More women are sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.**<sup>193</sup>

**The proportion of women serving very short prison sentences has risen sharply.** In 1993 only a third of custodial sentences given to women were for less than six months—in 2018 it was nearly double this (62%).<sup>194</sup>

### Rehabilitation and resettlement

**58% of women are reconvicted within one year of leaving prison.** This rises to 73% for sentences of less than 12 months and to 83% for women who have served more than 11 previous custodial sentences.<sup>195</sup>

**The number of women recalled to custody whilst under supervision after their release has more than doubled since the end of 2014**—just before mandatory supervision was introduced for people serving sentences of 12 months or less on release. 2,126 women were recalled in the year to June 2019.<sup>196</sup>

**Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.**<sup>197</sup>

**Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release.**<sup>198</sup> However, just 4% of women were in paid employment six weeks after release from custody—compared to 11% of men.<sup>199</sup>

<sup>187</sup> Ministry of Justice (2018) Female offender strategy, London: Ministry of Justice, available at: <https://www.gov.uk/government/publications/female-offender-strategy>

<sup>188</sup> Lord Farmer (2019) The importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

<sup>189</sup> Ministry of Justice (2019) Population and capacity briefing for Friday 6 December 2019, London: Ministry of Justice

<sup>190</sup> Table 2.1, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>191</sup> House of Commons written question 119151, 20 December 2017

<sup>192</sup> Table 2.5b, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>193</sup> Ibid.

<sup>194</sup> Table A2.7, Ministry of Justice (2019) Offender management statistics quarterly, Prison receptions 2018, London: Ministry of Justice

<sup>195</sup> Table 7.09, 7.10 and 7.08, Ministry of Justice (2018) Women and the criminal justice system 2017, London: Ministry of Justice

<sup>196</sup> Table 5.2, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice and earlier editions

<sup>197</sup> Hedderman, C. and Jolliffe, D. (2015) The Impact of Prison for Women on the Edge: Paying the Price for Wrong Decisions, Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice. 10, 152–178

<sup>198</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>199</sup> Table 11, Ministry of Justice (2019) Community performance quarterly MI, update to March 2019, Employment circumstances, London: Ministry of Justice

Women make up only

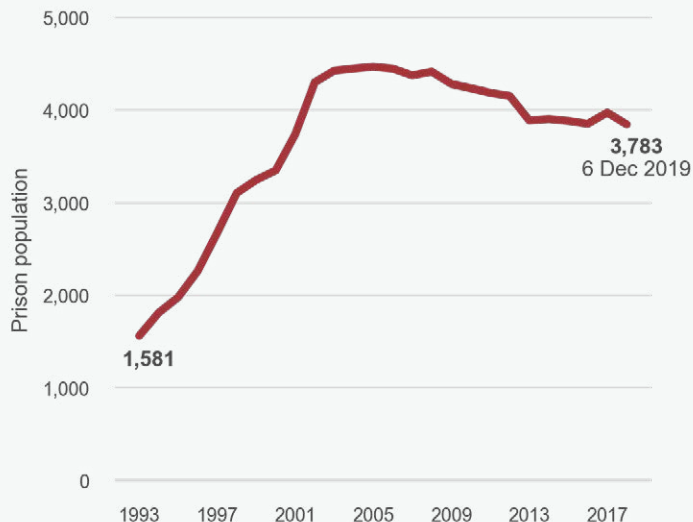
**5%**

of the total prison population

**7,278**

women entered prison in the year to June 2019—either on remand or to serve a sentence

There are now over 2,200 more women in prison today than there were 26 years ago

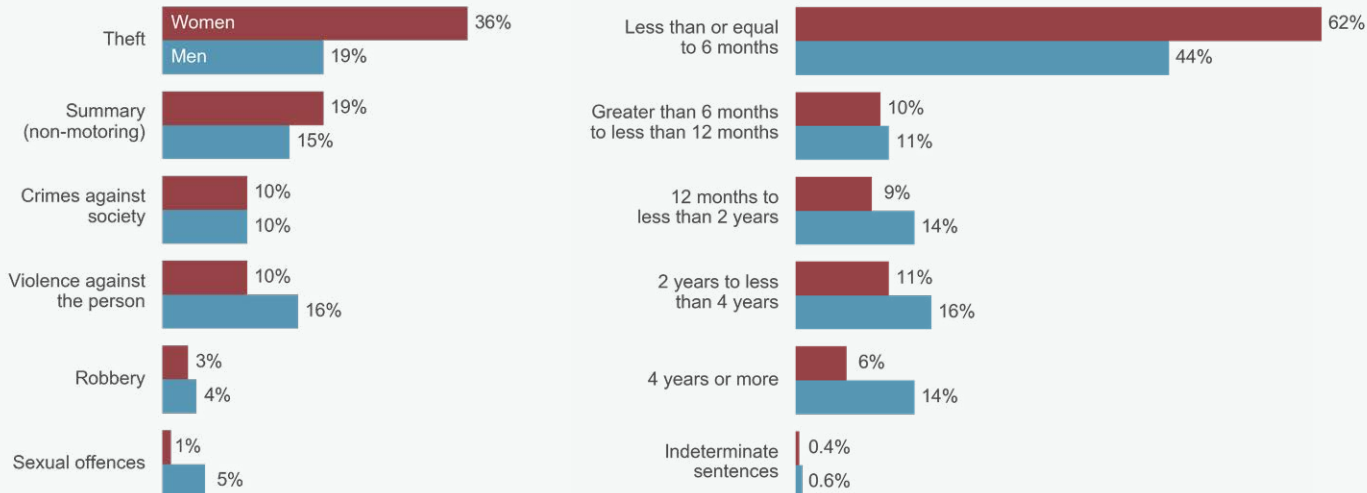


Source: Population and capacity briefing for 6 December 2019 and Offender management statistics quarterly: April to June 2019

Source: Offender management statistics, Prison population 2019 and Population and capacity briefing for 6 December 2019

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

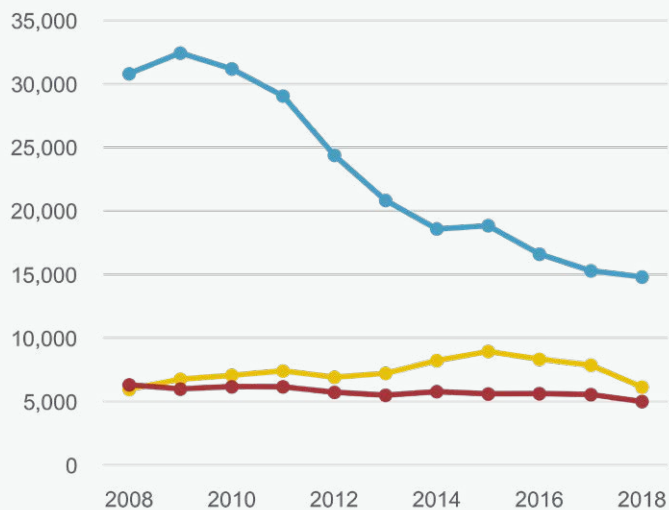
People entered prison for committing the following offences and to serve the following sentences\*



Source: Offender management statistics: April to June 2019

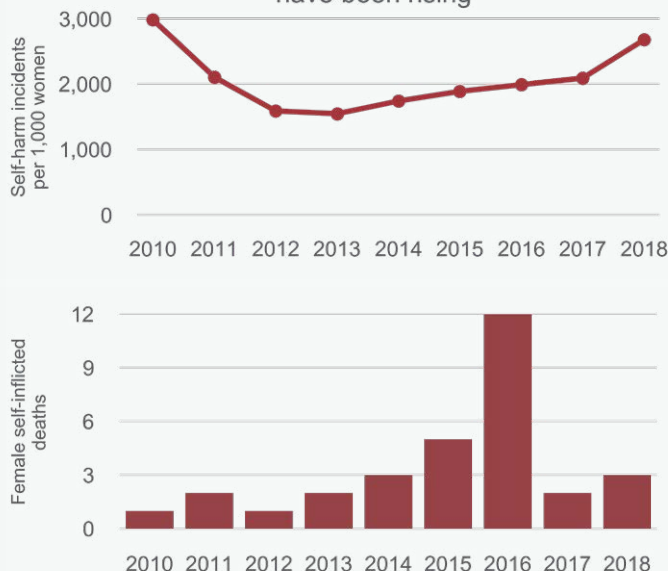
\*Receptions into prison in the year to June 2019

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



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

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



Source: Safety in custody statistics quarterly update to June 2019

**Nearly two in five women (38%) left prison without settled accommodation**—around one in five (19%) were homeless and one in 20 (5%) were sleeping rough on release in 2018–19.<sup>200</sup>

### Family

**Family contact can help reduce the risk of reoffending on release.**<sup>201</sup> But keeping in touch is often made more difficult by being held in prison many miles away from home. The average distance for women is 64 miles, but is often significantly more.<sup>202</sup> The closure of HMP Holloway increased this further according to inspectors.<sup>203</sup>

**More than 17,240 children were estimated to be separated from their mother by imprisonment in 2010.**<sup>204</sup>

**29 babies were held in prison in a mother and baby unit (MBU) in March 2019.** The number of applications to MBUs has fallen by 62% since 2011.<sup>205</sup>

**Applications for admission to an MBU were successful in only three out of four cases (75%) where a board made a decision.** 60 women moved into a unit in 2018–19.<sup>206</sup>

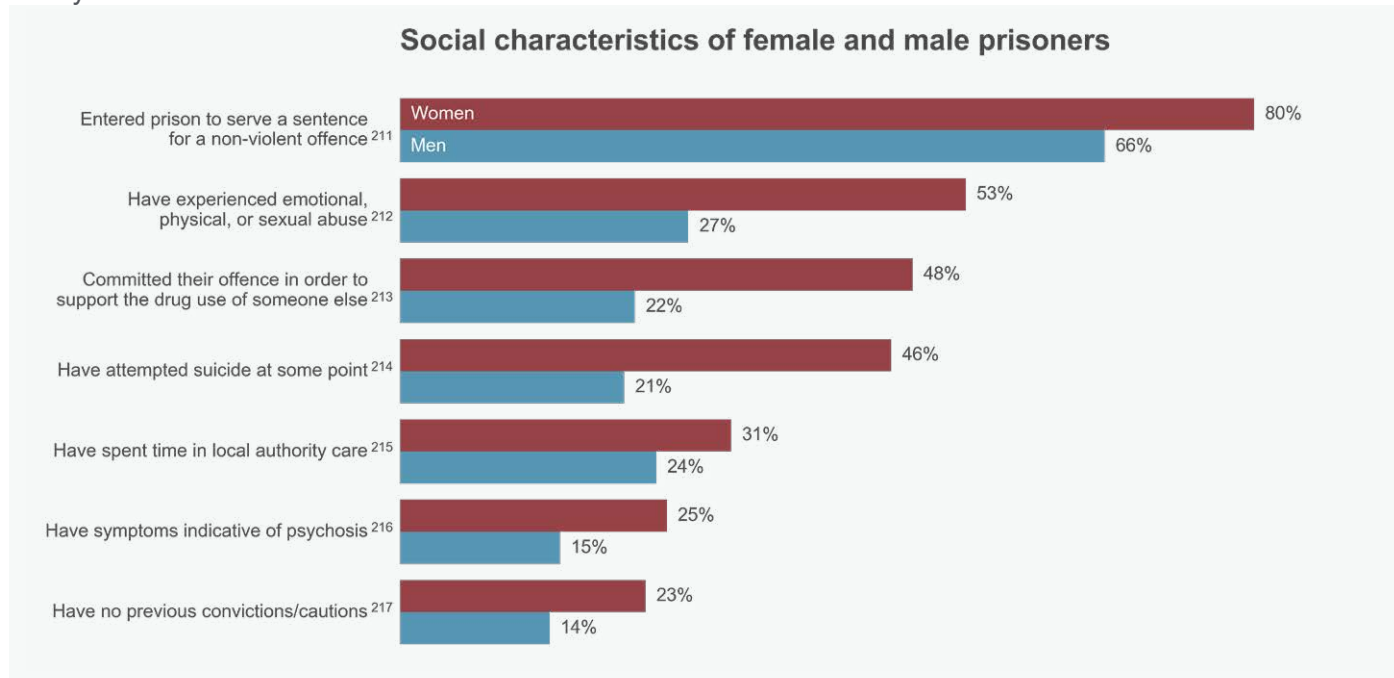
### Mental health and addictions

**More than two-thirds of women (67%) reported that they had a mental health problem compared with over two-fifths of men (43%).**<sup>207</sup>

**More than half (59%) of women in prison who drank in the four weeks before custody thought they had a problem with alcohol.** 52% thought their drinking was out of control, and 41% wished they could stop.<sup>208</sup>

**58% of women reported having used Class A drugs in the four weeks before custody**—compared with 43% of men.<sup>209</sup>

**Nearly half of women reported needing help with a drug problem on entry to prison**—compared with nearly three in 10 men.<sup>210</sup>



200 Table 11, Ministry of Justice (2019) Community performance quarterly MI, update to March 2019, Accommodation circumstances, London: Ministry of Justice

201 Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons

202 Women in Prison (2015) State of the Estate: Women in Prison's report on the women's custodial estate (2nd edition), London: Women in Prison

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

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

205 Table 11.1, Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019, London: Ministry of Justice

206 Ibid.

207 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

208 Table A28, A24 and A27, Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

209 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

210 Ibid.

211 Table 2.4b, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

212 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

214 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

216 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

217 Table A1.20, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

## Children in prison

### Use of custody

The number of children (under-18s) in custody has fallen by 73% since its peak in 2006.<sup>218</sup> They are also committing fewer crimes—with proven offences down by 77% over the same period.<sup>219</sup>

At the end of September 2019 there were 809 children in custody in England and Wales. 31 children were aged 14 or younger.<sup>220</sup>

Three in 10 children in custody in 2017–18 were there for non-violent crimes.<sup>221</sup>

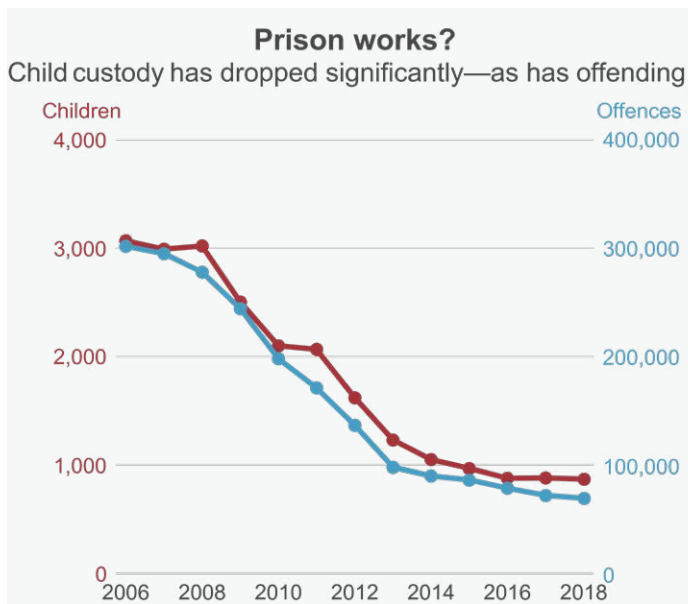
More than a quarter of children (27%) remanded in custody were subsequently acquitted in the year to March 2018. More than a third (36%) went on to be given a non-custodial sentence.<sup>222</sup>

More than half of all children in custody (52%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for BAME children—a decade ago they accounted for a quarter of the population (26%).<sup>223</sup>

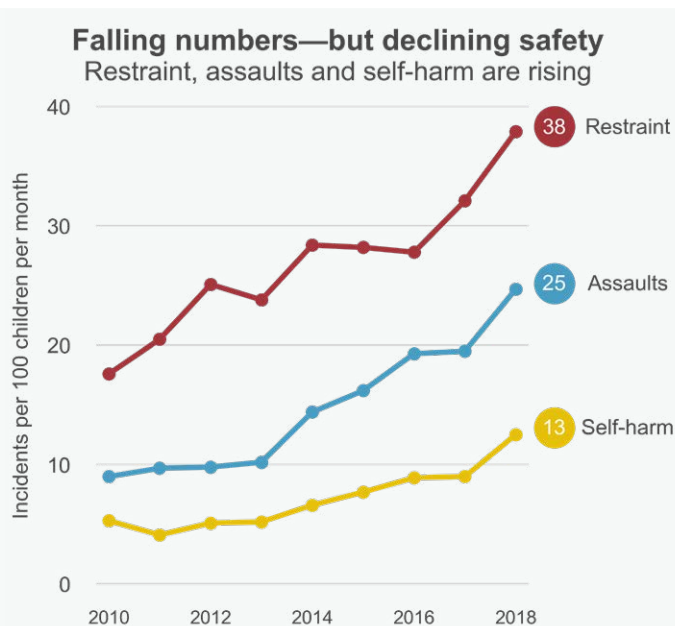
Children in care were five times more likely to be sanctioned for an offence than children in the general population in 2016.<sup>224</sup> Fewer than 1% of all children in England are in care,<sup>225</sup> but they make up around two-fifths of children in secure training centres (44%) and young offender institutions (39%).<sup>226</sup>

23% of children held in young offender institutions identified themselves as Muslim.<sup>227</sup>

Over one in 10 children (11%) in secure training centres (STCs) said they were Gypsy, Romany or Traveller—a hundred times greater than the estimated proportion in the general population. A further 6% of children in young offender institutions (YOIs) also said they were.<sup>228</sup>



Source: Youth Justice Board Monthly youth custody report August 2019 and Youth Justice Statistics 2018–19



Source: Youth justice statistics 2017–18 and earlier editions

218 Table 1, Youth Custody Service (2019) Monthly youth custody report—September 2019, London: Ministry of Justice

219 Table 4.2, Ministry of Justice (2019) Youth justice statistics 2017–18 England and Wales, London: Ministry of Justice

220 Table 1 and 9, Youth Custody Service (2019) Monthly youth custody report—September 2019, London: Ministry of Justice

221 Table 7.6, Ministry of Justice (2019) Youth justice statistics 2017–18, London: Ministry of Justice

222 Table 6.5, Ibid.

223 Table 1 and 6, Youth Custody Service (2019) Monthly youth custody report—September 2019, London: Ministry of Justice

224 Table 11, Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE

225 Department for Education (2015) Children looked after in England year ending 31 March 2015, London: DfE and

Table MYE2, Office for National Statistics (2015) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2014, London: ONS

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

227 Ibid.

228 Ibid.

## Safety in custody

**Although there are signs that safety may be improving in YOIs, conditions in STCs seem to be deteriorating rapidly.** Three out of five YOIs inspected in 2018–19 were considered to be “reasonably good” and one was considered “good” for safety—an improvement on the previous year. However, all three STCs inspected were rated as requiring improvement.<sup>229</sup>

**Children’s perceptions of their safety continues to be poor.** 40% of children told inspectors that they had felt unsafe in their current YOI and 16% said they felt unsafe at the time of the inspection.<sup>230</sup>

**Assaults in 2018 were at their highest recorded levels since 2010, with an average of 294 assaults per month.** There were 25 assaults per 100 children in custody in the year to March 2018, up from nine in 2010.<sup>231</sup>

**Measures to address increasing violence have reduced time out of cell.** Inspectors found many boys spent most of their sentence locked up. Boys on the most restricted regimes could have as little as 30 minutes out of their cells for showers, telephone calls and exercise outside.<sup>232</sup>

**Most incentive schemes focus on punitive measures rather than rewarding positive behaviour according to inspectors.** Less than half (43%) of children in YOIs said that the different levels of the reward scheme made them change their behaviour.<sup>233</sup>

**Restraint of children in custody continues to rise, with an average of 451 incidents a month.** In the year to March 2018, there were 38 incidents of restraint per 100 children in custody, up from 18 in 2010.<sup>234</sup>

**The number of self-harm incidents in STCs has rocketed in the last couple of years.** There were 27.5 incidents per 100 children in 2018 compared with 3.4 in 2016, an eightfold increase in only two years.<sup>235</sup>

## Drugs and alcohol

**One in five children (20%) said it was easy to get illegal drugs in their YOI.**<sup>236</sup>

**Nearly one in ten boys (8%) said they had an alcohol problem on arrival into custody—**one in twenty (5%) said they had received help with an alcohol problem while serving their sentence.<sup>237</sup>

## Family

**Just over half of children (54%) in STCs and fewer than two in five children (39%) in YOIs said that they had visits at least once a week from family, carers or friends.**<sup>238</sup>

**Nearly one in 10 boys (8%) held in YOIs reported having children themselves.**<sup>239</sup>

## Education and skills

**The educational background of children in custody is poor—**nearly nine out of 10 children (89%) in YOIs said they had been excluded from school.<sup>240</sup>

**Over two-fifths (42%) said that they were aged 14 or younger when they were last at school.**<sup>241</sup>

**79% of children in YOIs said they were taking part in education.** However only 20% said they were in offending behaviour programmes, 14% had a job, and 9% were in vocational or skills training.<sup>242</sup>

229 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

230 Ibid.

231 Table 8.3, Ministry of Justice (2018) Youth justice statistics 2017–18, London: Ministry of Justice and Youth justice statistics 2014–2015

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

233 HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HMIP

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

235 Table 8.9, Ibid.

236 Appendix B3, HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

237 Ibid.

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

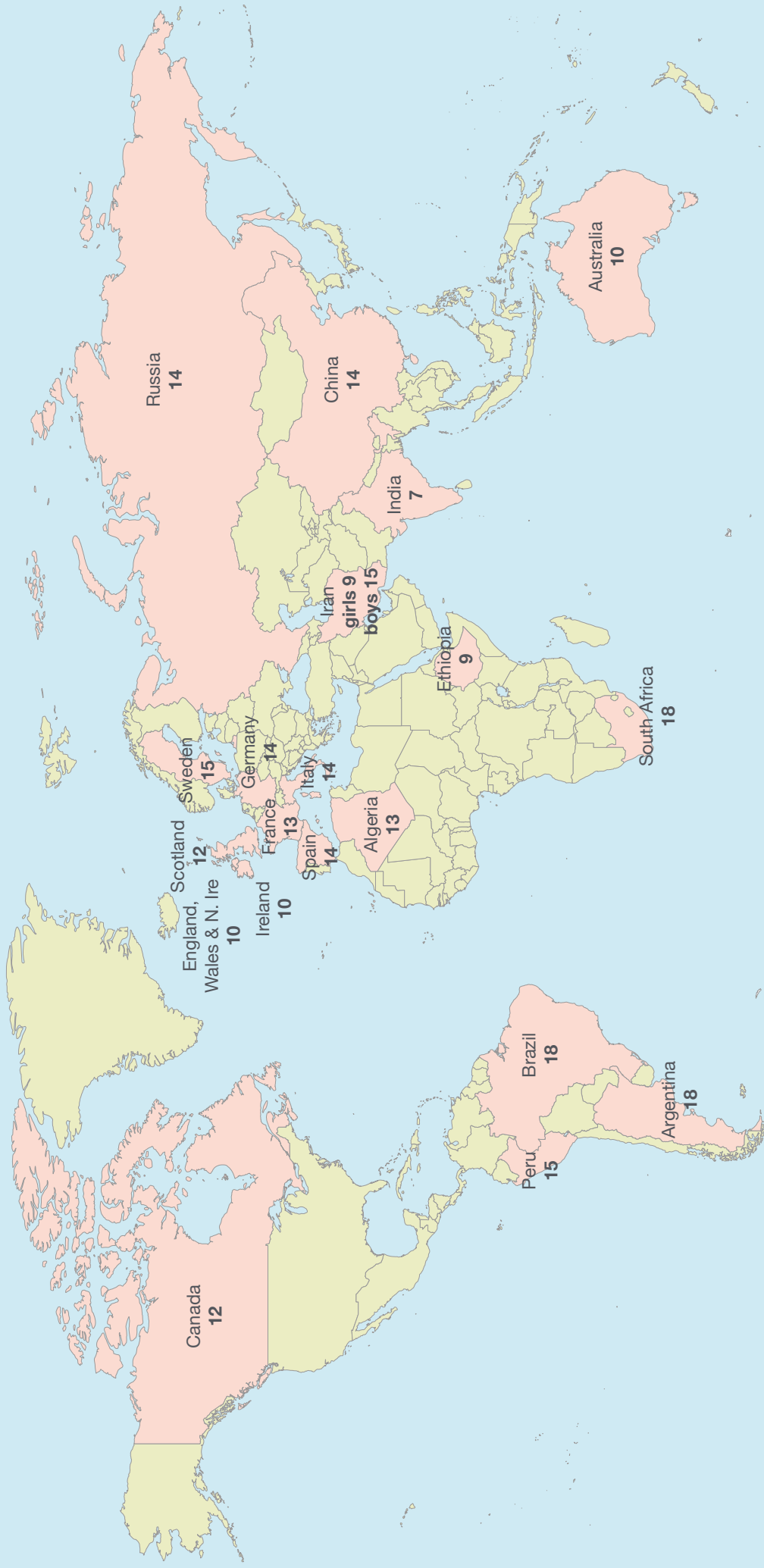
239 Ibid.

240 Ibid.

241 Ibid.

242 Ibid.

## Youngest age at which a person may be prosecuted in a criminal trial



### Sweden

No sanction can be imposed for a crime committed before the age of 15. Imprisonment may only be imposed on under 18s if there are extraordinary reasons for it.

### Algeria

Before the age of 18, children have their cases dealt with by the Court for Minors. It cannot impose criminal sanctions on children under 13 but can impose measures of protection or re-education. Criminal sanctions are available for children aged 13-18, but are at a reduced level to adults.

### France

Whilst 13 is the youngest age someone can be subject to criminal sanctions, France has a graduated system of penalties. This includes educative sanctions for children aged 10-13. Criminal sanctions for 13-15 year olds are half that of adults, with full criminal sanctions available from age 16.

### China (exc. Hong Kong & Macau)

14 is the age of criminal responsibility for serious offences such as homicide, rape, robbery and drug trafficking. However, for other less serious offences criminal responsibility begins at 16. Less severe punishments are given to those under 18.

## Young adults in prison

Whilst the DYOI sentence (a custodial sentence specifically for young adults) classifies young adults as aged 18–20, HMPPS policy and practice increasingly recognises that the process of brain development and maturity takes place up to the age of 25. Therefore, where available we have included information for 18–24 year olds. It is clearly stated when we are referring to this age group.

Both the House of Commons Justice Committee and Lord Harris’ review into self-inflicted deaths in custody of young adult men aged 18 to 24 called for a legal recognition of the concept of ‘maturity’. As well as chronological age, maturity should be a primary consideration in making decisions relating to diversion, sentencing and, where a custodial sentence must be given, how and where a young adult (18–24) should be accommodated.

**13,485 young adults (aged 18–24) are currently in prison in England and Wales**—they account for 16% of the total prison population.<sup>243</sup>

**There are now 41% fewer young adults (aged 18–24) in prison in England and Wales than a decade ago.**<sup>244</sup>

**Young adults (aged 18–24) have the highest level of black, Asian and minority ethnic (BAME) over-representation in the adult prison estate of all age groups.** If our prison population reflected the make-up of England and Wales, we would have 2,850 fewer BAME young adults in prison.<sup>245</sup>

**More than two-fifths (42%) of young adults are serving a prison sentence for violence against the person or robbery**—a further third (33%) are there for a theft or drug offence.<sup>246</sup>

**People aged 18–24 accounted for a quarter (25%) of all self-harm incidents in prison in 2018.**<sup>247</sup>

**Rates of violence in prison have also increased. 18–24-year-olds were responsible for over 7,800 assaults and more than 5,600 fights in 2018.** This is more than double the number of assaults, and a 10% rise in fights since 2010—when the population was significantly higher.<sup>248</sup>

**Inspectors found that most prisons made little distinction in the treatment of young adults**<sup>249</sup>—despite the evidence on brain development and maturity.<sup>250</sup>

**People in young adults prisons have the least time out of cell.** In the only young adult prison inspected this year, a third (33%) said that they had less than two hours out of their cell on a weekday, and only 1% said they had over 10 hours.<sup>251</sup>

**Purposeful activity, such as education and training opportunities, for young adults requires improvement.** All three of the young adult prisons inspected last year and the single prison inspected this year were rated as not sufficiently good.<sup>252</sup>

**BAME young adults often report more negatively about their relationships with staff.** Fewer said that staff treated them with respect; fewer had a member of staff they could turn to for help; and fewer said that staff normally spoke to them when they were out of their cells.<sup>253</sup>

**11% of young adults (aged 18–24) are on the basic level of the Incentives and Earned Privileges (IEP) scheme**—almost double the proportion that were in 2014 (6%).<sup>254</sup>

**Inspectors found that the IEP scheme was the least effective in young adult prisons.** A focus on punitive measures and an inadequate regime for people on basic meant that many spent long periods on the lowest levels without any improvement in their behaviour.<sup>255</sup>

243 Table A1.7, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

244 Ibid.

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

246 Table A1.4i, Ministry of Justice (2019) Offender management statistics, Prison population 2019, London: Ministry of Justice

247 Table 2.3, Ministry of Justice (2019) Safety in custody statistics quarterly update to June 2019, London: Ministry of Justice

248 Table 3.3, Ibid.

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

250 Prior, D. et al. (2011) Maturity, young adults and criminal justice: A literature review, Birmingham: University of Birmingham

251 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

252 Ibid.

253 HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HM Stationery Office

254 Table 11.1, Ministry of Justice (2019) HM Prison and Probation Service offender equalities annual report: 2018 to 2019, London: Ministry of Justice

255 HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HM Stationery Office



# HEALTH IN PRISON

## Drugs and alcohol

A 2017 study found that receiving treatment for drug and alcohol addictions in the community can reduce offending. More than two-fifths of people (44%) didn't reoffend, and there was a 33% reduction in the number of offences committed in the two years following treatment.<sup>256</sup>

### Drugs

Chief Inspector of Prisons, Peter Clarke has said that psychoactive substances, such as Spice, are “having a dramatic and destabilising effect in many of our prisons”.<sup>257</sup> They continue to be linked to violence, debt, organised crime and medical emergencies.<sup>258</sup>

Nearly half of men (48%) and 45% of women reported that it was easy to get drugs in their prison.<sup>259</sup>

The quantity of drugs seized by prison staff has increased by 41% in the last year. There were over 18,000 incidents where drugs were found in the year to March 2019.<sup>260</sup>

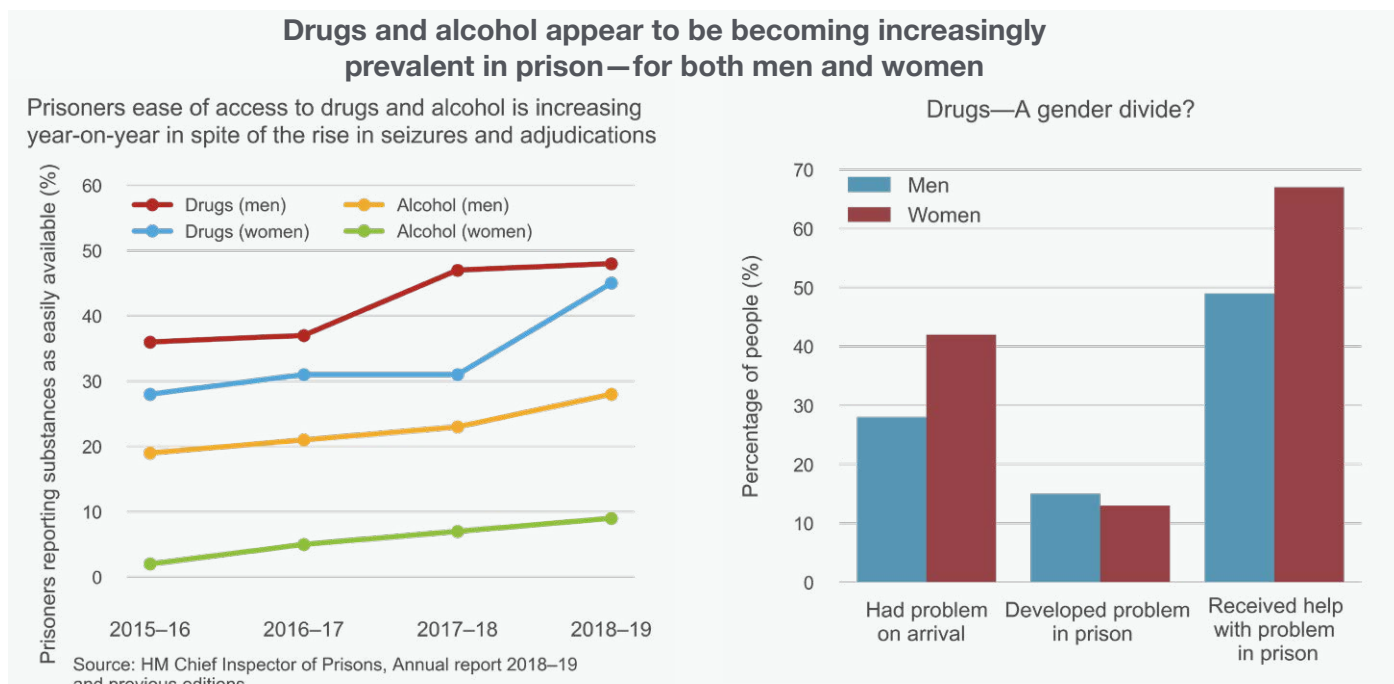
88 men died in prison between 2008 to 2016 as a result of drug-related issues.<sup>261</sup>

One in 10 random mandatory drug tests (MDT) in prison in 2019 were positive—the second highest level on record. This increases to 17% when psychoactive substances are included.<sup>262</sup>

Psychoactive substances are the most prevalent drug type in prison—they accounted for more than half (51%) of all positive drug test samples in the year to March 2019.<sup>263</sup>

Substance use is often the result of a combination of poor living conditions and a lack of purposeful regime according to inspectors. They also found very few prisons had an effective drug supply reduction strategy.<sup>264</sup>

More than one in 10 adult men (15%) and women (13%) surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.<sup>265</sup>



256 Ministry of Justice and Public Health England (2017) The impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice

257 HM Chief Inspector of Prisons (2016) Annual report 2015–16, London: HM Stationery Office

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

259 Ibid.

260 Table 9.2, Ministry of Justice (2019) HM Prison and Probation Service annual digest: 2018–19, London: Ministry of Justice

261 Office for National Statistics (2019) Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2016, London, ONS

262 Ministry of Justice (2019) HM Prison and Probation Service annual digest: 2018–19, London: Ministry of Justice

263 Ibid.

264 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

265 Ibid.

**There were 117 deaths in prison between June 2013 and September 2018, where the person was known, or strongly suspected, to have used or possessed psychoactive substances before their death.**<sup>266</sup>

**Inspectors have highlighted the importance of both peer and family support to reduce supply and demand of drugs in prisons—however many have inadequate peer support, and most offered no family support.**<sup>267</sup>

**Nearly one in 10 people (9%) reported that they had been pressured to give away their prescribed medication whilst in prison.**<sup>268</sup>

**One in 10 men and 12% of women in prison reported that they had developed a problem with using prescription medication meant for other people whilst in prison.**<sup>269</sup>

**15% of men and 14% of women in prison are serving sentences for drug offences.**<sup>270</sup>

**Inspectors considered the availability of drugs a problem in two of the three women's prisons inspected in 2018–19—women are also more likely to enter prison with a drug addiction than men.**<sup>271</sup>

**66% of women and 38% of men in prison report committing offences to get money to buy drugs.**<sup>272</sup>

**Nearly half of women in prison report having committed offences to support someone else's drug use.**<sup>273</sup>

**NHS England estimates that it spends approximately 20% of all prison healthcare spending on substance misuse services—some £81m in 2016–17.**<sup>274</sup>

**Over 53,000 people in prison received drug and alcohol treatment during 2017–18. Over half (53%) were for support with opiate use.**<sup>275</sup>

**Women in custody are more likely than men to be in treatment for opiate addiction. Almost three-quarters of women (74%) receiving treatment in custody during 2017–18 were there for opiate addiction, compared with half of men (50%).**<sup>276</sup>

**However, a higher proportion of women than men (67% compared with 49%) said they had been helped with their drug problem in prison—fewer than the previous year, despite the rise in drug seizures.**<sup>277</sup>

**Only around a third of adults in prison (34%) in need of substance misuse treatment following release in 2018–19 were successfully engaged in community-based treatment within 21 days.**<sup>278</sup>

## Alcohol

**70% of people in prison with a self-identified alcohol problem said they had been drinking when they committed the offence for which they were in prison. 38% of people surveyed in prison believed that their drinking was a big problem.**<sup>279</sup>

**Women are significantly more likely to say they have a problem with alcohol on arrival at prison than men (24% against 17%).**<sup>280</sup>

**Over a quarter of men (28%) said that it was easy to get alcohol in their prison—more than three times the level amongst women in prison (9%).**<sup>281</sup>

**Nearly half (47%) of all adults receiving treatment in custody during 2018–19 had problematic alcohol use—either as their only problem substance or alongside other drug use.**<sup>282</sup>

<sup>266</sup> Freedom of Information request by the Prison Reform Trust to the Prisons and Probation Ombudsman

<sup>267</sup> HM Inspectorate of Prisons (2015) Changing patterns of substance misuse in adult prisons and service responses, London: HMIP.

<sup>268</sup> Ibid.

<sup>269</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>270</sup> Table 1.4i, Ministry of Justice (2019) Offender management statistics quarterly, Prison population 2019, London: Ministry of Justice

<sup>271</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>272</sup> Light, M. et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>273</sup> Ibid.

<sup>274</sup> House of Commons written question 8136, 12 September 2017

<sup>275</sup> Table 4, Cooper, A., et al. (2019) Secure setting statistics from the National Drug Treatment Monitoring System (NDTMS) 1 April 2017 to 31 March 2018, London: Public Health England

<sup>276</sup> Table 4.3.1, Ibid.

<sup>277</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>278</sup> Calculated by Public Health England: Evidence Application Team using data from the National Drug Treatment Monitoring System (NDTMS) available at <http://bit.ly/SubstanceMisuseTreatment>

<sup>279</sup> Alcohol and Crime Commission (2014) The alcohol and crime commission report, London: Addaction

<sup>280</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>281</sup> Ibid.

<sup>282</sup> Table 4.1.1, Ibid.

## Mental health

There is currently insufficient data to identify how many people 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.

An independent review, conducted by former Home Office minister, Lord Bradley (The Bradley Report, 2009) called for adequate community alternatives to prison for vulnerable people. The review heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while experiencing mental health problems were given appropriate community sentences.

Lord Bradley further called for all police custody suites and criminal courts to have access to liaison and diversion services. These services identify and, where appropriate, divert people with mental health problems, learning disabilities and other support needs away from the criminal justice system and into treatment and care. There is currently 92% population coverage of liaison and diversion services across England, with full roll-out expected by 2020–21.<sup>283</sup>

For people entering prison, NHS England has rolled out new healthcare screening templates to identify people with mental health needs.<sup>284</sup>

**67% of women and 43% of men surveyed by inspectors in prison reported having mental health problems.**<sup>285</sup>

**A recent study of 469 male and female prisoners found that 43% of participants had been previously diagnosed with a mental illness.** Some of the most common diagnoses include personality disorders (27%), anxiety disorders (27%), PTSD (20%), psychotic disorders (10%) and autism (4%).<sup>286</sup>

**Although more than half of study participants reported having previous contact with mental health services, only around half of those reported current contact with prison mental health services.**<sup>287</sup>

**Women in prison have a much higher prevalence of mental illness than men**—in particular they are more likely to have personality disorders, mood disorders and eating disorders.<sup>288</sup>

**Self-inflicted deaths are over six times more likely in prison than in the general population.**<sup>289</sup>

**70% of people who died from self-inflicted means whilst in prison had already been identified as having mental health needs.** However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.<sup>290</sup>

The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.<sup>291</sup>

**958 people were transferred from prison to a secure hospital in 2018.**<sup>292</sup>

**Men waited too long to be transferred to mental health care in seven in 10 prisons in 2017–18 according to inspectors**—this was mostly due to external issues, including the national shortage of secure mental health beds. NHS England introduced a national plan in 2018 to address these issues.<sup>293</sup>

**In 2018 new pilots were announced to help people with mental health, alcohol and substance abuse issues to address the underlying causes of their offending.** The Community Sentence Treatment Requirements (CSTR), established in five areas of England this year, bring together health and justice services to assess, and where appropriate divert people from short custodial sentences, and improve access to treatment. Early evidence has shown increased confidence among sentencers—resulting in **more CSTRs issued in those areas.**<sup>294</sup>

<sup>283</sup> Ministry of Justice (2018) A review of self-inflicted deaths in prison custody in 2016, London: Ministry of Justice

<sup>284</sup> Ibid.

<sup>285</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>286</sup> Tyler, N et al. (2019) An updated picture of the mental health needs of male and female prisoners in the UK: prevalence, comorbidity, and gender differences. *Social Psychiatry and Psychiatric Epidemiology*, 54, 1134, Springer: Berlin Heidelberg

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

<sup>290</sup> Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

<sup>291</sup> Ibid.

<sup>292</sup> Table 7, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, Restricted patients 2018, London: Ministry of Justice

<sup>293</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>294</sup> Ministry of Justice website, "Vulnerable offenders steered towards treatment", accessed on 6 December 2018, available at <https://www.gov.uk/government/news/vulnerable-offenders-steered-towards-treatment>

## Disability, health and social care

### Disability

**Information on the prevalence of physical and mental disability in prisons is poor and out of date.** HMPPS currently has no way of establishing whether people entering prison have specific needs related to a disability.

**36% of people in prison are estimated to have a physical or mental disability.** This compares with 19% of the general population.<sup>295</sup>

**11% have a physical disability, 18% have a mental disability and 8% have both.**<sup>296</sup>

**22% of people in prison with a disability reported feeling suicidal when they first arrived in prison—** more than three times that amongst people without a disability (7%).<sup>297</sup>

**People in prison with disabilities report more negatively about many key aspects of prison life.**<sup>298</sup>

**Nearly two-thirds of people in prison with a disability (65%) reported feeling unsafe—** they were also more than twice as likely to report experiencing bullying or victimisation than prisoners without a disability.<sup>299</sup>

**Most people (53%) in prison with a disability said they had been victimised by staff.**<sup>300</sup>

**One in six (17%) people in prison with a disability said they had been restrained by staff in the last six months—** compared with one in 10 (11%) people without a disability.<sup>301</sup>

**People in prison with a disability report spending more time in their cells.** Almost a third (31%) of people in prison with a disability said that they spent less than two hours out of their cells each weekday, compared with one in five (19%) people without a disability.<sup>302</sup>

**Inspectors found that wheelchair and mobility access was generally poor in all but the newest prisons.** It was not uncommon to see wheelchairs left outside cells that had doors too narrow to navigate, leaving some prisoners confined inside.<sup>303</sup>

**Nearly one in five children (19%) held in young offender institutions and a quarter (25%) of children in secure training centres said they had a disability.**<sup>304</sup>

**Boys with disabilities were more likely to say they'd been victimised by other boys and felt unsafe at some time.**<sup>305</sup>

### Health and social care

**Inspectors found that most health services in prison are reasonably good.** However, more prisons are breaching health regulations.<sup>306</sup>

**Nearly three in 10 (29%) of men's prisons inspected in 2018–19 failed to meet minimum standards of infection control and cleanliness.**<sup>307</sup>

**Inspectors also noted growing problems with poor governance of medicines.** A lack of lockable storage and inconsistent supervision is leading to bullying and trading of prescribed medicines.<sup>308</sup>

<sup>295</sup> Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

<sup>296</sup> Ibid.

<sup>297</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid.

<sup>303</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>304</sup> HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

<sup>305</sup> Ibid.

<sup>306</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

**People in prison receive inequitable social care support according to inspectors.** People may receive a poor, satisfactory or very good service based on which prison they are held in.<sup>309</sup>

**Inspectors found significant delays between referrals and assessment of social care needs in some prisons, in some cases up to five months.** They found people who had to wait several months to receive equipment, such as wheelchairs and grab rails and faced long delays to repairs.<sup>310</sup>

**Under a third of men (32%) and less than a quarter of women (22%) said it was easy to see a doctor.**<sup>311</sup>

**Under a quarter of men (23%) and just three in 10 women (30%) said it was easy to see a mental health worker.**<sup>312</sup>

**NHS England will introduce an IT upgrade in prison healthcare units to enable the exchange of health records between prisons and community GPs.** Roll-out is due to be completed by February 2020.<sup>313</sup>

**Smoking is banned in all prisons in England and Wales.** Inspectors found that the recent roll-out of the ban had “largely gone well”, however, in some prisons it had been linked to an increase in medical emergencies, as psychoactive substances were no longer diluted by tobacco. They also found that there had been some abuse of nicotine replacement products.<sup>314</sup>

**The rate of infection for Hepatitis C in prison is 13% for women and 7% for men, compared to 0.4% of the general population.**<sup>315</sup> Prevalence of other blood-borne viruses such as HIV are also higher in prison.<sup>316</sup>

**Nearly one in five (19%) of the prison population tested positive for a latent TB infection.**<sup>317</sup> Foreign nationals are particularly at risk of TB infection.

**Under a half of men (46%) and under a third of women (30%) said they went to the gym two or more times a week.** Inspectors routinely found that access was restricted because of staff shortages.<sup>318</sup>

**The Prisons and Probation Ombudsman (PPO) found that healthcare staff in many cases treated people who had died from natural causes in a caring and compassionate manner—**judged to be equivalent to the treatment they could have expected to receive in the community.<sup>319</sup>

**However, the ombudsman also found “too many” healthcare failings—**including investigations where healthcare staff failed to make urgent referrals to specialists, and a lack of continuity of care when people are transferred from prison to hospital, and back again.<sup>320</sup>

**People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden or severely incapacitated.**<sup>321</sup>

**The number of people granted compassionate release for health reasons is low—**between 2012 and 2017, only 58 people were released. A further 14 people have been released to date in 2018.<sup>322</sup>

**Compassionate release was only considered in 36% of 314 cases examined by the PPO.** However, in 43% of these cases, an application was still under consideration at the time of death.<sup>323</sup>

**The ombudsman found that risk assessments that were conducted for compassionate or temporary release were frequently judged based on the risk a person would have posed when healthy—**not the actual risk they pose based on their current health condition.<sup>324</sup>

309 HM Inspectorate of Prisons and Care Quality Commission (2018) Social care in prisons in England and Wales, London: HMIP

310 Ibid.

311 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

312 Ibid.

313 Ministry of Justice (2018) A Review of self-inflicted deaths in prison custody in 2016, London: Ministry of Justice

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

315 Health and Social Care Committee (2018) Prison health, London: House of Commons

316 Ibid.

317 O'Moore, É., et al. (2019) Health and justice annual review 2018/19, London: Public Health England

318 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

319 Prisons and Probation Ombudsman (2017) Annual report 2016–17, London: PPO

320 Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

321 HM Prison Service (2012) Prison Service Order 6000: Parole release and recall, London: Ministry of Justice and

HM Prisons Service (2010) Prison Service Order 4700: Indeterminate sentence manual, London: Ministry of Justice

322 House of Lords written question HL2099, 1 November 2017 and House of Lords written question HL10937, 6 November 2018

323 Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman

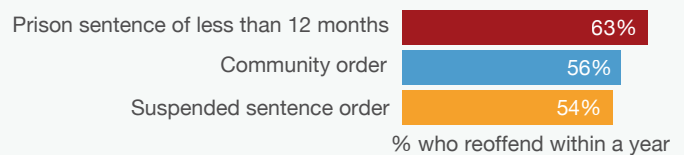
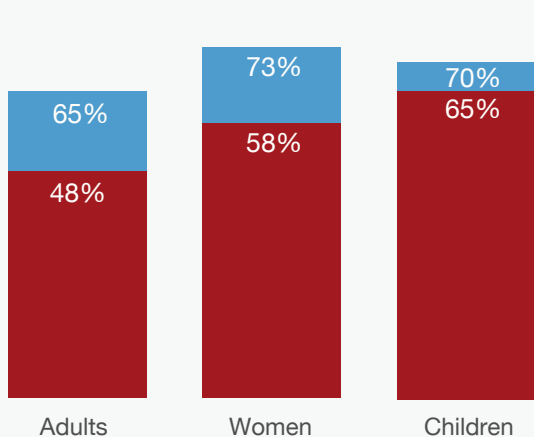
324 Ibid.

# **REHABILITATION AND RESETTLEMENT**

## Reoffending

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

Short prison sentences have been shown to be **less effective** at reducing reoffending than community orders for people committing the same types of crime



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

**↑ 36%**

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

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

**A recent study has estimated the annual total estimated economic and social cost of reoffending as £18.1bn.**<sup>325</sup>

**Community sentences are particularly effective for people who have committed a large number of previous offences (more than 50) and those with mental health problems.**<sup>326</sup>

**Mental health treatment requirements can reduce reoffending.** One-year reoffending rates fell by 3.5 percentage points for people on community orders, and by 5 percentage points for people given a suspended sentence order, for people with identified mental health issues.<sup>327</sup>

**Receiving treatment for drug and alcohol addictions in the community can reduce offending.** A recent study by Public Health England found that there was a reduction of 44% in the number of reoffenders, and a 33% reduction in the number of offences committed in the two years following treatment.<sup>328</sup>

### Some factors affecting reconviction

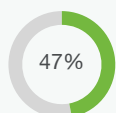
People are less likely to be reconvicted if they receive family visits whilst in prison

**69%**

of prisoners said they had received visits from family whilst in prison



No visits

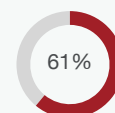


Visits

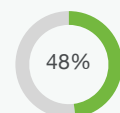
People are less likely to be reconvicted if they live with their immediate family on release

**57%**

said they were living with their immediate family on release



Not living with family

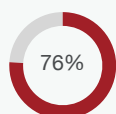


Living with family

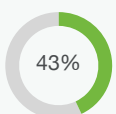
People are more likely to be reconvicted if they use class A drugs on release

**1 in 3**

said they had used class A drugs since leaving custody



Used class A drugs

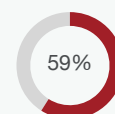


Did not use class A drugs

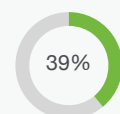
**28%**

of prisoners had been in employment the year after custody

People are less likely to be reconvicted if they secure a job after their release



Unemployed



Employed

Source: Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice and Ministry of Justice (2014) Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice

<sup>325</sup> Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

<sup>326</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court order on reoffending?, London: Ministry of Justice

<sup>327</sup> Ibid.

<sup>328</sup> Ministry of Justice (2017) The impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice and Public Health England



## Purposeful activity

**Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison.** The government published an education and employment strategy this year, with proposals on increasing the use of release on temporary licence; giving governors powers to commission education in their prisons; expanding vocational training opportunities; and improving employment outcomes on release.<sup>329</sup>

**Just over a third of prisons (34%) received a positive rating from inspectors in 2018–19 for purposeful activity work**—continuing the decline from half of prisons in 2016–17.<sup>330</sup>

**Inspectors found that people continue to spend too long locked up in their cells**—around a quarter were routinely locked up during the working day, and in some cases more than half. This is “leading to frustration, boredom, greater use of illicit substances and often deteriorating physical and mental health”.<sup>331</sup>

**People are more likely to be locked up for longer in local prisons.** Over a third of people in local prisons (37%) said they spent less than two hours a day out of their cells.<sup>332</sup>

**Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, almost one in five people (18%) said they were locked up for more than 22 hours a day.**<sup>333</sup>

**25 of the 35 prisons inspected in 2018–19 were rated as “requiring improvement” or “inadequate” for the overall effectiveness of their education, skills and work provision—none were rated “outstanding”.** Three-quarters of prisons inspected failed to use all their activity places—leaving people without work, education or training.<sup>334</sup>

## Education

**Engagement with education can significantly reduce reoffending.** The proven one year reoffending rate is 34% for prisoner learners, compared to 43% for people who don’t engage in any form of learning.<sup>335</sup>

**Literacy levels amongst the prison population remain significantly lower than the general population.**<sup>336</sup> Nearly two-thirds (62%) of people entering prison were assessed as having literacy skills expected of an 11 year old—more than four times higher than in the general adult population (15%).<sup>337</sup>

**Changes to prison education contracts now allow greater flexibility to fund opportunities, such as arts, and informal learning to allow people to engage and progress during their sentence.**<sup>338</sup>

**However, there have been declines in the number of people participating in learning whilst in prison, and in achieving qualifications in recent years.**<sup>339</sup>

**78,000 adults in the prison system participated in education in the 2017–18 academic year—a drop of 12% on the previous year.**<sup>340</sup>

**The number of people achieving qualifications fell by 13% in 2017–18.** Despite a small increase in the number of people achieving level 3 qualifications (AS and A Level equivalent), all other levels declined.<sup>341</sup>

**The number of English and maths qualifications achieved has also fallen**—numbers fell by 29% between the 2011–12 and 2017–18 academic years.<sup>342</sup>

**There are approximately 2,000 prisoners in higher education.** Currently students must be within six years of their release date to be eligible for a student loan, limiting opportunities for people serving long prison sentences. Prisoner participation in higher education has been estimated to cut reoffending rates by 20–40%.<sup>343</sup>

<sup>329</sup> Ministry of Justice (2018) Education and employment strategy, London: HM Stationery Office

<sup>330</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>331</sup> HM Prison and Probation Service (2019) Annual report and accounts 2018–19, London: HMPPS

<sup>332</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>333</sup> Ibid.

<sup>334</sup> Ibid.

<sup>335</sup> Ministry of Justice and Department for Education (2017) Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records, London: Ministry of Justice

<sup>336</sup> Department for Education (2017) OLASS English and maths assessments: participation 2017/18, London: DFE

<sup>337</sup> Figure 1.1, Department for Business Innovation and Skills (2012) The 2011 Skills for Life Survey: A Survey of Literacy, Numeracy and ICT Levels in England, London: BIS

<sup>338</sup> Prisoners' Education Trust website, 'New prison education contracts create challenges and opportunities', accessed on 25 November 2019, available at

<https://www.prisonerseducation.org.uk/2019/01/new-prison-education-contracts-create-challenges-and-opportunities/>

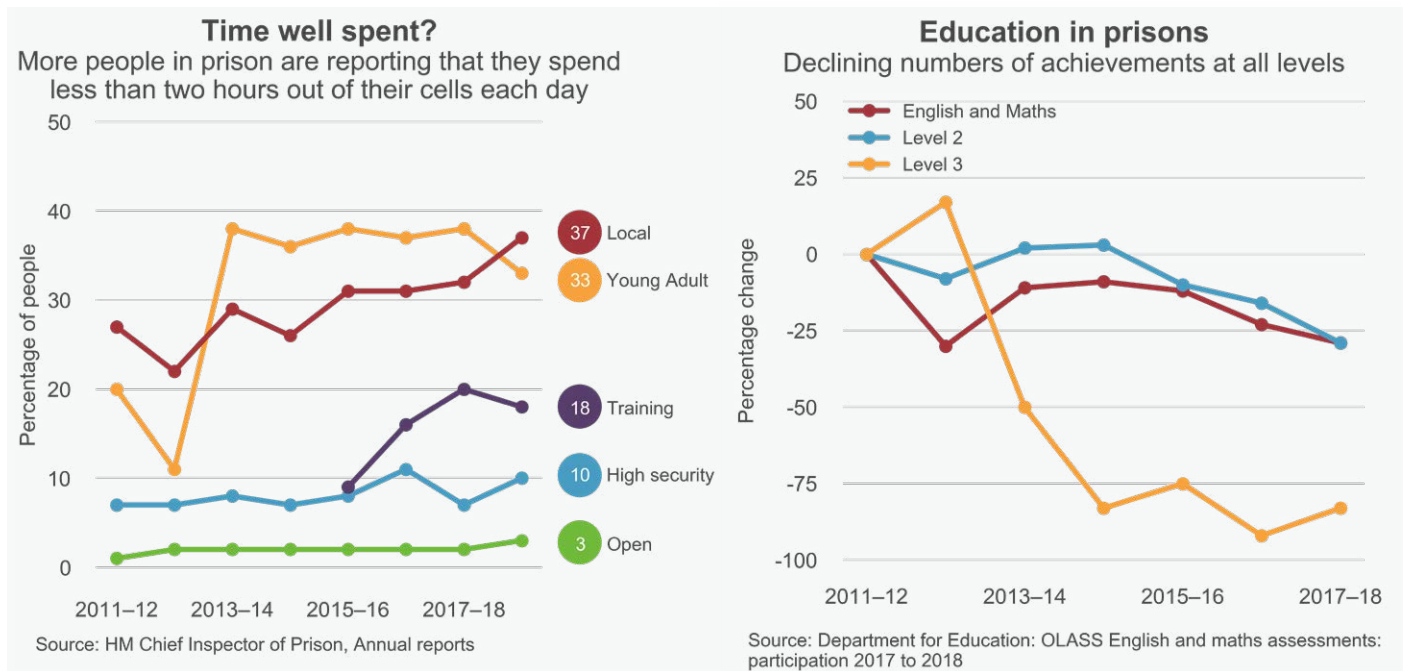
<sup>339</sup> Table 10.1 and 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London:

<sup>340</sup> Table 10.1, Ibid.

<sup>341</sup> Table 10.2, Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Higher Education Policy Institute (2019) Student loans for those on long prison sentences, Oxford: HEPI



**Just 200 people achieved a level 3 qualification in the 2017–18 academic year via mainstream prison learning—a tenth of the number in 2011–12.**<sup>344</sup>

**However, the number of people studying with the Open University is rising again—there were over 1,200 people studying in England and Wales in 2017–18.**<sup>345</sup>

**People in prison studying with the Open University typically have similar completion rates and pass rates as their mainstream counterparts.**<sup>346</sup>

### Employment

**The Ministry of Justice has committed to encouraging more employers to create employment opportunities for people in prison and on release.** Its education and employment strategy established the New Futures Network to develop partnerships between prisons and employers—in addition to delivering purposeful activity in prison.<sup>347</sup>

**However, the number of people working in prison decreased by 3% last year—the first fall since 2014.**<sup>348</sup>

**An average of 9,900 prisoners are working in the public prison estate, and a further 2,200 are working in private prisons.** They worked for over 17 million hours in total during in 2018–19.<sup>349</sup>

**However, inspectors found that in too many prisons, work remains mundane, unskilled and unchallenging, such as packing boxes or cleaning wings.** Where people did develop work skills, they were often not recorded, recognised or accredited, leaving people unable to demonstrate their abilities to prospective employers.<sup>350</sup>

### Training

**People who attend vocational training in prison are more likely to secure employment shortly after release**<sup>351</sup>—a view endorsed by Ofsted.<sup>352</sup>

**The Ministry of Justice has committed to introduce a Prisoner Apprenticeship Pathway—a formal 12 month apprenticeship on release to provide resettlement with a guaranteed job and a guaranteed income.**<sup>353</sup>

<sup>344</sup> Table 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London: SFA

<sup>345</sup> Provided by Open University

<sup>346</sup> Ibid.

<sup>347</sup> Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

<sup>348</sup> Table 4.1 and 4.2, Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019, London: Ministry of Justice

<sup>349</sup> Ibid.

<sup>350</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office and previous editions

<sup>351</sup> Brunton-Smith, I. and Hopkins, K (2014) The impact of experience in prison on the employment status of longer-sentenced prisoners after release, London: Ministry of Justice

<sup>352</sup> Ofsted (2014) The report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2013/14: Further education and skills, Manchester: Ofsted

<sup>353</sup> Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

**Timpson actively recruit people with convictions to work for them, and currently employ around 650 Foundation colleagues.** There are seven prison training academies, including at HMPs Downview, New Hall, Blantyre House and Whitemoor—a High Security prison. In addition, at HMP Thorn Cross there are three workshops where shoe repairs and specialist photo production takes place. Thorn Cross also releases people on Release on Temporary Leave (ROTL) who work in the day in other parts of the business and return to prison each evening.<sup>354</sup>

**The Clink Charity operates restaurants, which are open to the public, at HMPs High Down, Cardiff, Brixton, the women’s prison HMP Styal, and a cafe in central Manchester, in partnership with the prison service.** It offers prisoners the chance to gain experience and qualifications in the food and hospitality industry, with mentoring and guidance to find full-time employment, and provide resettlement support upon release. Research by the Ministry of Justice showed a 41% reduction in the likelihood of reoffending and a lower frequency of reoffences.<sup>355</sup>

**Lendlease’s not-for-profit subsidiary Be Onsite provides training and employment opportunities in the construction industry.** Their Mind the Gap programme works with people on ROTL and at the end of their sentence, with the aim of reducing construction industry skills gaps and reoffending. It is tackling the challenges of sustained job creation and reducing reoffending by developing an infrastructure to deliver long-term construction training and support for 400 businesses and 60 sustained job outcomes.<sup>356</sup>

**Halfords has opened bike repair workshops at HMP Onley and women’s prison HMP Drake Hall with the aim of full time employment on release.** The workshop provides training to people to become cycle mechanics, reconditioning used bikes and donating them along with new helmets to schools. Over 400 bikes have been donated so far.<sup>357</sup>

**Recycling Lives is a social business which enables prisoners to gain skills and qualifications to help them reduce their risk of reoffending on release.** It works in 11 prisons in the UK and engages up to 250 men and women at a time in its HMP Academies programme, which employs offenders in either recycling or fabrication work.<sup>358</sup>

## Peer-support

**In many prisons people provide support to their peers.** Roles include providing practical and emotional support; acting as representatives to highlight issues and concerns amongst their peers to staff; de-escalating tensions between prisoners to prevent violence or bullying; and coaching or guiding those learning a new skill or preparing for release.

Inspectors have noted “prisoners often prefer support from their peers to other formal or professional sources of support, and peers are often easier to access, making them a more readily available source of support.”<sup>359</sup>

**St Giles Trust offers training and a recognised Level 3 qualification in advice and guidance under its Peer Advisor Programme to prisoners and ex-offenders in prisons across England and Wales.** 13,227 people were helped in prison through the Peer Advisor Programme in 2016–17.<sup>360</sup>

**The Reading Plan run by the Shannon Trust enables prisoners to act as peer mentors to support other prisoners who are learning to read.** Nine out of 10 learners surveyed felt their reading skills were improving.<sup>361</sup>

**The Samaritans’ Listener Scheme is active in almost every prison across the UK.** In 2018 there were 1,424 active Listeners in place—with 1,425 Listeners trained during 2018. Listeners play an invaluable role in making prisons safer by being there for other prisoners who might be struggling to cope, helping them to talk about their worries and try to find a positive way forward. Listeners were contacted more than 48,557 times during 2018.<sup>362</sup>

<sup>354</sup> Provided by Timpson. James Timpson, Chief Executive of Timpson, is Chair of the Prison Reform Trust

<sup>355</sup> The Clink website, <https://theclinkcharity.org>, accessed on 25 November 2019, and Ministry of Justice (2016) Justice Data Lab analysis: Re-offending behaviour after participation in the Clink Restaurant training programme, London: Ministry of Justice

<sup>356</sup> Provided by Lendlease

<sup>357</sup> Halfords website, accessed on 25 November 2019, available at <http://www.halfordscompany.com/corporate-responsibility/community/>

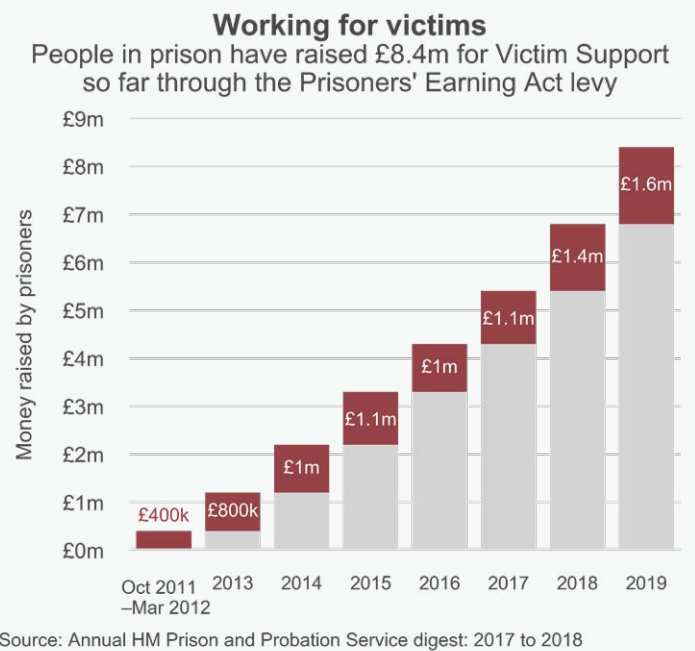
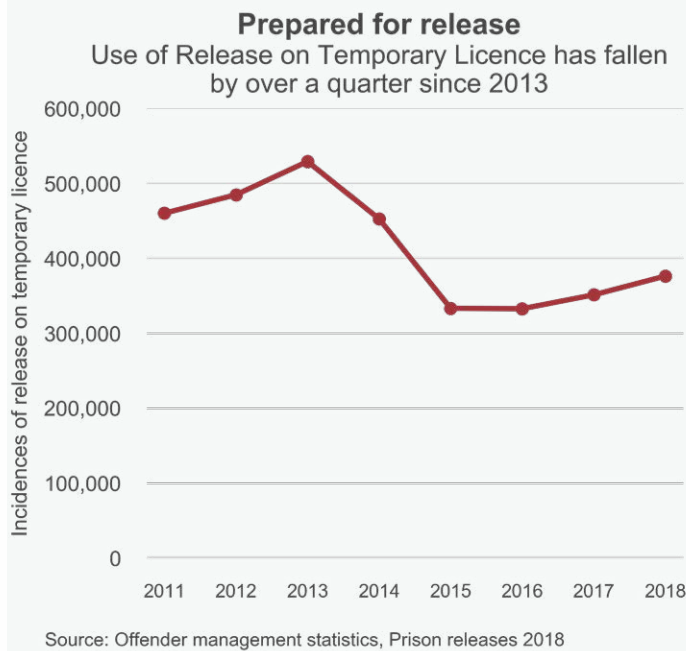
<sup>358</sup> Recycling Lives website, accessed on 19 December 2019, available at <https://www.recyclinglives.com/who-we-are>

<sup>359</sup> HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

<sup>360</sup> Provided by St Giles Trust

<sup>361</sup> Provided by Shannon Trust

<sup>362</sup> Provided by Samaritans



## Release on Temporary Licence (ROTL)

ROTL can play an important part in helping people to prepare for release, particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility, and reconnect with the world they will be released in. People may take part in work and volunteering, re-establish contact with their families and try to find accommodation. This year the government has published a new ROTL Policy Framework, allowing prison governors greater autonomy to release prisoners on licence.<sup>363</sup>

**In 99.88% of cases ROTL is completed successfully.** There were just 11 failures as a result of alleged further offending in 2017 out of more than 350,000 instances of ROTL.<sup>364</sup>

**People who are given ROTL have lower rates of reoffending.** The more that ROTL is used, the greater the impact on reducing reoffending and the fewer the number of offences people commit.<sup>365</sup>

**Despite this, restrictions were introduced on ROTL which have seen its use drop by a more than a quarter (29%) in the last five years.** At the time restrictions were introduced the success rate was 99.93%.<sup>366</sup>

**On average, just 572 people per month were working out of prison on licence during 2018–19.**<sup>367</sup>

**They paid £237 per month on average to the Prisoners' Earnings Act levy—the equivalent of almost a quarter of their net earnings.**<sup>368</sup>

**£8.4m has been paid to Victim Support since the introduction of the levy in October 2011.**<sup>369</sup>

## Home Detention Curfew (HDC)

HDC allows people to live outside of prison, providing they do not breach strict conditions, to help prepare them for life on release. Only people serving sentences of between three months and less than four years are eligible.

**There were 14,769 releases on HDC in 2018—an increase of over a third (37%) on the previous year.** However, use of HDC has fallen significantly since 2002 when over 20,000 people were released.<sup>370</sup>

**Just over a third (36%) of people who were eligible to be released were granted HDC in 2018.**<sup>371</sup>

<sup>363</sup> Ministry of Justice website, accessed on 11 December, available at <https://www.gov.uk/government/news/offender-rehabilitation-drive-boosted-by-new-rotl-rules>

<sup>364</sup> Table A3.7, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice and House of Lords written question HL10936, 6 November 2018

<sup>365</sup> Hillier, J. and Mews, A. (2018) The reoffending impact of increased release of prisoners on Temporary Licence, London: Ministry of Justice

<sup>366</sup> Table A3.7, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice

<sup>367</sup> Table 5.1 and 5.2, Ministry of Justice (2019) Annual HM Prison and Probation Service digest: 2018 to 2019, London: Ministry of Justice

<sup>368</sup> Table 5.2, Ibid.

<sup>369</sup> Table 5.1, Ibid.

<sup>370</sup> Table A3.5, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice

<sup>371</sup> Ibid.

## Resettlement

**Nearly everyone in prison will be released at some point.** Last year 69,622 people were released.<sup>372</sup>

**Some people are entitled to receive a discharge grant to help them on release—however this has remained fixed at £46 since 1995.** Thousands of prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days.<sup>373</sup>

## Employment

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

**Only 11% of people are in PAYE employment six weeks after leaving prison.** After a year, the figure rises to just 17%.<sup>374</sup>

**Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.**<sup>375</sup>

**Just one in five people (22%) leaving prison and referred to the Work Programme have found a job which they have held for six months or more.**<sup>376</sup> Of these, more than two in five people (42%) have subsequently gone back to Jobcentre Plus.<sup>377</sup>

**However, more than 135 employers so far, including the entire Civil Service, have signed up to Ban the Box—**removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.<sup>378</sup>

## Accommodation

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

**Less than half of people (48%) released from prison in 2018–19 had settled accommodation on release.** Nearly one in six (16%) was homeless or sleeping rough.<sup>379</sup>

**The Homelessness Reduction Act 2017 means that prisons and probation providers are now required by law to refer people who might be at risk of becoming homeless to the local housing authority.**<sup>380</sup>

**A £6m pilot has been announced to support people serving short sentences who are at high risk of returning to prison.** The pilot aims to provide stable accommodation for up to two years from people leaving HMPs Leeds, Pentonville and Bristol.<sup>381</sup>

## Financial exclusion

**Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release.** These include outstanding fines, rent or mobile phone contracts. Inspectors found that in many cases no action was taken before release, despite problems being apparent at the start of a sentence.<sup>382</sup>

**More than four in five former prisoners surveyed said their conviction made it harder to get insurance and four-fifths said that when they did get insurance, they were charged more.** The inability to obtain insurance can prevent access to many forms of employment or self-employment.<sup>383</sup>

**People cannot make a claim for Universal Credit until they have been released from prison.** Concerns have been raised that this is placing people into unnecessary hardship on release.<sup>384</sup>

<sup>372</sup> Table A3.1, Ministry of Justice (2019) Offender management statistics, Prison releases 2018, London: Ministry of Justice

<sup>373</sup> Hansard, 15 March 2004, Col. 143W and Prison Service Instruction 72/2011 Discharge, Annex B

<sup>374</sup> Ministry of Justice (2019) Community Performance Quarterly, update to March 2019, London: Ministry of Justice and Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

<sup>375</sup> YouGov and Department for Work and Pensions (2016) Survey Results, Fieldwork 26 June—14 December, London: YouGov, available at <http://bit.ly/YouGovDWPf>

<sup>376</sup> Table 2.8, Department for Work and Pensions (2018) Work programme official statistics to December 2017, London: DWP

<sup>377</sup> Department for Work and Pensions, Stat-Xplore website, accessed on 25 November 2019, available at <https://stat-xplore.dwp.gov.uk/>

<sup>378</sup> Business in the Community website, accessed on 25 November 2019, available at [www.bitc.org.uk/banthebox](http://www.bitc.org.uk/banthebox)

<sup>379</sup> Ministry of Justice (2018) Freedom of Information request 180915001 by Vicki Cardwell available at [https://www.whatdotheyknow.com/request/homelessness\\_on\\_release\\_from\\_pri#incoming-1240602](https://www.whatdotheyknow.com/request/homelessness_on_release_from_pri#incoming-1240602)

<sup>380</sup> House of Commons written question 7749, 12 September 2017

<sup>381</sup> Ministry of Justice website, accessed on 25 November 2019, available at <https://www.gov.uk/government/news/prisons-to-deliver-trailblazing-6m-rough-sleeping-initiative>

<sup>382</sup> Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

<sup>383</sup> Bath, C., and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

<sup>384</sup> Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners "Lured Back Into Crime" By Benefit Delays', available at <http://bit.ly/UniversalCreditPrison>

## Family

**Family and friends are a highly significant factor in enabling successful resettlement on release.** Despite this, inspectors found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.<sup>385</sup>

**Arrangements to help prisoners maintain and strengthen family ties are variable across prisons, and are not given sufficient priority or resources according to an independent government commissioned review and prisons inspectors.**<sup>386</sup>

**Furthermore, 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.**

**Prisons do not regularly record whether people have children under the age of 18—however, 57% of women and 50% of men surveyed by inspectors in 2018–19 reported that they did.**<sup>387</sup>

**Nearly one in five (19%) young adults (18–20 years old) surveyed said they had children.** This compares to 4% of the general population who are young fathers.<sup>388</sup>

**One in 10 boys in young offender institutions told inspectors that they had children themselves.**<sup>389</sup>

**Fewer than half of men (46%) and seven in 10 (70%) women were offered a free telephone call on their first night in prison to let family know that they were okay.**<sup>390</sup>

**Prisoners who receive family visits are 39% less likely to reoffend than those who do not receive visits.** Research suggests that familial relationships are particularly important for women in prison.<sup>391</sup>

**However, only two in five (42%) prisoners reported that it was easy or very easy for family to visit them at their current prison—and only one in five (20%) people received visits as least once a week.**<sup>392</sup>

**Women are often held further away from their families, making visiting difficult and expensive.** The average distance is 64 miles, but many are held considerably further away.<sup>393</sup>

**Around half of women (47%) and men (55%) said they had problems sending or receiving mail.**<sup>394</sup>

**Inspectors found that in many prisons people were often locked up at 6pm or earlier—affecting their access to the telephone and contact with their family.**<sup>395</sup>

**Families play an important role in supporting people in prisons' mental health.** Despite this, of the 119 prisons in England and Wales, 44 had no functioning safer custody telephone lines in 2019.<sup>396</sup>

**The cost of making a telephone call from prison without in-cell telephones is expensive.** A 30 minute call during the working week to a landline costs £2.23 and for mobiles is £4.97.<sup>397</sup>

**Secure in-cell telephones have been introduced at 20 public prisons and 13 private prisons as of April 2019 and there are plans to rollout the telephones at a further 31 public prisons by March 2020.**<sup>398</sup>

People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.<sup>399</sup>

**In public prisons, call charges from prisons without in-cell phones are nearly double the rate of those prisons with in-cell phones.**<sup>400</sup>

385 Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons

386 Farmer, M. (2017) The importance of strengthening prisoners' family ties to prevent reoffending and reduce Intergenerational Crime, London: Ministry of Justice and

HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP

387 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

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

389 HM Inspectorate of Prisons (2017) Children in custody 2016–17, London: HM Stationery Office

390 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

391 Farmer, M. (2019) The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

392 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

393 Women in Prison (2015) State of the estate—Women in Prison's report on the women's custodial estate (2nd edition), London: Women in Prison

394 Ibid.

395 Ibid.

396 Pact (the Prison Advice and Care Trust), Prison Reform Trust and INQUEST (2019) Keeping people safe in prison, London: Prison Reform Trust

397 Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at [https://www.whatdotheyknow.com/request/prison\\_telephone\\_calls#incoming-1462910](https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910)

398 Ministry of Justice (2019) Freedom of Information request 190322001 by Jay Simon available at [https://www.whatdotheyknow.com/request/in\\_cell\\_phones\\_roll\\_out#incoming-1344884](https://www.whatdotheyknow.com/request/in_cell_phones_roll_out#incoming-1344884)

399 Ellison, A., et al. (2018) The demand for and use of illicit phones in prison, London: Ministry of Justice

400 Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at [https://www.whatdotheyknow.com/request/prison\\_telephone\\_calls#incoming-1462910](https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910)

# **OTHER UK PRISON SYSTEMS**

## Scotland<sup>401</sup>

The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short-term custodial sentences and remand; and improving the reintegration of people from custody to community. This year it has extended 2010 legislation to restrict the use of custodial sentences of less than three months up to 12 months, “with the aim of using prison primarily for those individuals who have committed serious offences and those cases involving issues of public safety.”<sup>402</sup>

However, this year has also seen Scottish prisons under intense pressure with deaths, violence and overcrowding becoming more prominent. Scotland currently has the highest imprisonment rate in Western Europe and it is increasing at an alarming rate. The prison population has grown by over 10% in just two years, whilst the Scottish Prison Service budget has fallen by 12.5% since 2014–15. Overcrowding and a lack of capacity is even more critical than in England and Wales, with the largest prison HM Barlinnie holding 50% more people than it was built to. There are plans to double up every cell in Scotland’s public sector prisons to deal with the increasing population if necessary.<sup>403</sup>

The Scottish Government has set a target to reduce the women’s prison population—with places for up to 230 women. A new national 80-place unit for women will be built along with five community custodial units, holding 20 women each, to allow them to be closer to their communities and families. The new national prison for women and the first two community custody units in Glasgow and Dundee will now open in 2021.

### Sentencing and the use of custody

**On 6 December 2019 the total number of people in custody in Scotland stood at 8,237.**<sup>404</sup>

**Scotland now has the highest imprisonment rate in western Europe**—152 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 141 per 100,000, France 106 per 100,000 and Germany 77 per 100,000.<sup>405</sup>

**14% of people sentenced by the courts were given a custodial sentence in 2017–18.** This has remained broadly the same over the last decade.<sup>406</sup>

**Almost three-quarters of people (73%) sentenced to custody in 2017–18 had committed non-violent offences.**<sup>407</sup>

**Prison sentences are getting longer.** The average length of a custodial sentence is now over 10 months (318 days)—more than two months (69 days) longer than a decade ago.<sup>408</sup>

**A statutory presumption against prison sentences of less than three months was introduced in 2010**—unless a court considers that no other method of dealing with the person is appropriate.<sup>409</sup> However, they still accounted for over a quarter (27%) of custodial sentences given in 2017–18.<sup>410</sup>

**The statutory presumption has now been extended to sentences of 12 months or less.** Last year these accounted for 80% of all custodial sentences.

**The number of people on remand remains high**—accounting for one in five people in prison (20%) compared with 11% in England and Wales. An average of 1,525 people were in prison on remand in 2018–19, up from 1,358 the year before.<sup>411</sup>

**The cost of imprisonment has risen in recent years.** It now costs an average of £35,601 per prison place—up by nearly £2,500 in the last five years, an increase of 8% in real terms.<sup>412</sup>

<sup>401</sup> This section has been updated as extensively as possible with the available information. Long-standing technical issues continue to affect the publication of up to date statistics on prisons in Scotland, with no clear timetable for when they will be resolved. According to the Scottish Government, data for 2014–15 have been affected by an unrelated critical incident and release will be further delayed pending resolution.

<sup>402</sup> The Scottish Government website, accessed on 6 December 2019, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

<sup>403</sup> The Scottish Parliament (2019) Public audit and post-legislative scrutiny committee 27th meeting, session 5, Edinburgh: The Scottish Parliament

<sup>404</sup> Scottish Prison Service website, accessed on 1 December 2019, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>405</sup> World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 26 October 2019, available at

[http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=14](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14)

<sup>406</sup> Table 9, The Scottish Government (2018) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government

<sup>407</sup> Table 8(b), *Ibid.*

<sup>408</sup> Table 10(c), *Ibid.* and Criminal proceedings in Scotland 2015–16

<sup>409</sup> The Criminal Justice and Licensing (Scotland) Act 2010

<sup>410</sup> Table 10(a), The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government

<sup>411</sup> Appendix 4, Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS and Annual report and accounts 2017–18; and

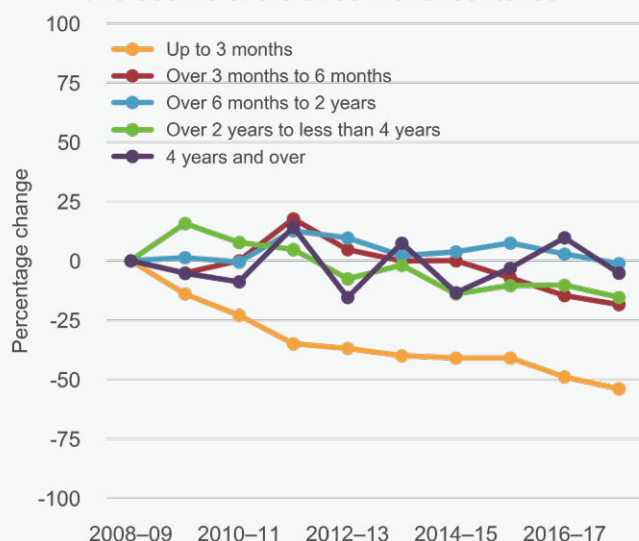
Table 1.1, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice

<sup>412</sup> Appendix 8a, Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS and Scottish Prison Service (2014) Annual report and accounts 2013–14, Edinburgh: SPS



### Short custodial sentences in Scotland

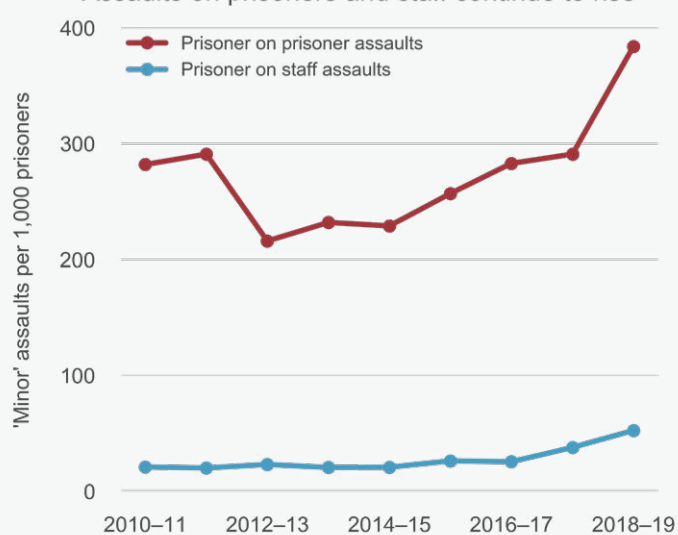
The decline of the three month sentence



Source: Criminal proceedings in Scotland 2017-18 and previous editions

### Rising tensions

Assaults on prisoners and staff continue to rise



Source: Scottish Prison Service annual reports

**The use of community sentences has been gradually rising over the last decade**—they accounted for 20% of all sentences in 2017-18, up from 14% in 2008-9.<sup>413</sup>

### Safety in prisons

**There have been 135 deaths in custody in the last five years**—with 22 so far in 2019. 47 of these deaths are still under investigation.<sup>414</sup>

**Of those cases where investigations have concluded, over a third (34%) of deaths were confirmed to be self-inflicted.**<sup>415</sup>

**Self-harm incidents are increasing.** There were 762 incidents in 2018, almost triple the number in 2013 (267).<sup>416</sup>

**Violence in prisons is increasing at a dramatic rate.** There has been a 38% rise in recorded prisoner on prisoner assaults, and 44% rise in serious prisoner on prisoner assaults in the last year.<sup>417</sup>

**Assaults on staff have risen by 45% during the same period.** There were 420 assaults on staff in 2018-19, 10 of which were serious, compared with 297 in 2017-18.<sup>418</sup>

### People in prison

**Almost three-quarters (71%) of tests carried out on people entering prison in 2018-19 were positive for illegal drugs.**<sup>419</sup>

**Many people in prison have previously been in care.** Over a third of women (38%) and a quarter of men (25%) reported having been in care as a child.<sup>420</sup>

**Over a third of people in prison reported having a disability (34%). Over a third of people also said they had a long term illness (35%).**<sup>421</sup>

**Nearly seven in 10 women (69%) and six in 10 men (61%) in prison reported that they had children.**<sup>422</sup>

413 Table 7(b), The Scottish Government (2019) Criminal proceedings in Scotland 2017-18, Edinburgh: The Scottish Government and Criminal proceedings in Scotland 2015-16

414 Scottish Prison Service website, accessed on 13 November 2019, available at <https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx>

415 Ibid.

416 Scottish Prison Service (2019) Freedom of Information request, HQ18297 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-6363.aspx>

417 Appendix 9a, Scottish Prison Service (2019) Annual report and accounts 2018-19, Edinburgh: SPS and previous editions

418 Ibid.

419 Scottish Prison Service (2019) SPS Addiction Prevalence Testing Stats Final 2018/19, Edinburgh: SPS

420 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

421 Scottish Prison Service (2018) Prisoner survey 2017, Edinburgh: SPS

422 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

## Women in prison

**The number of women in prison has remained fairly steady over the last decade.** There were 384 women in prison on average during 2018–19, 29 fewer than a decade ago.<sup>423</sup>

**Remand accounts for nearly two-thirds (64%) of all receptions of women into prison.**<sup>424</sup> Only around 30% of women on remand go on to receive a custodial sentence.<sup>425</sup>

**A higher proportion of women commit ‘crimes of dishonesty’ than men**—16% of proven offences by women were for acquisitive crimes compared with 11% of men’s.<sup>426</sup>

**Women are more likely to report being under the influence of drugs at the time they committed their offence**—more than half (53%), compared with 37% of men.<sup>427</sup>

**104 pregnant women have been held in prison in Scotland between 2013–2017**—during this time 31 children have been born whilst in prison.<sup>428</sup>

**Seven in 10 women in prison reported that they had been a victim of domestic violence.**<sup>429</sup>

## Children and young adults in prison

**There were 317 young people (under 21) in prison as of 6 December 2019—30 of these were under 18.**<sup>430</sup> The number of young people sent to prison has fallen by 70% in the last decade.<sup>431</sup>

**Almost half (46%) of young people were under the influence of drugs at the time of their offence (compared to 38% adults).** One-in-eight (12%) committed their offence to get money to buy drugs.<sup>432</sup>

**Over half (56%) of young people reported being drunk at the time of their offence.**<sup>433</sup>

**Almost half (46%) of young people reported being in care as a child.**<sup>434</sup>

## Rehabilitation and resettlement

**42% of people released from custody are reconvicted within a year**—rising to 56% for men and 65% for women with more than 10 previous convictions.<sup>435</sup>

**Only three in 10 people (29%) in prison said they had accessed services while in prison to help them prepare for release.**<sup>436</sup>

**Nearly half of people in prison surveyed said that they lost their accommodation when they went to prison (49%).** Over a third (35%) said they didn’t know where they would be living on release.<sup>437</sup>

**Two in five (40%) people in prison surveyed said that if they were offered help for their drug problem they would take it**—however, just a quarter said they’d received it.<sup>438</sup>

**Nine in ten (89%) people in prison said they were in regular contact with someone outside.** The most common forms of contact were telephone (71%), followed by letter (62%) and visits (52%).<sup>439</sup>

An evaluation of the SPS Throughcare Service, which provides people serving short sentences with support to prepare for and on release from prison, found improved engagement with support services including benefits; housing; substance misuse treatment; education and employment—factors which are known to aid desistance from crime and reduce reoffending.<sup>440</sup>

423 Table A.1, The Scottish Government (2009) Prison statistics Scotland: 2008–09, Edinburgh: The Scottish Government and Appendix 3, Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS

424 Table A.8, The Scottish Government (2015) Prison statistics Scotland: 2013–14, Edinburgh: The Scottish Government

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

426 Table 6(a) and 6(b), The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government

427 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

428 Scottish Prison Service (2018) Freedom of Information request, HQ 17267 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-5648.aspx>

429 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

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## Northern Ireland

The Northern Ireland Prison Service has committed to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare.

However, the continued deadlock over power-sharing means that Northern Ireland is currently without a justice minister or a functioning Northern Ireland Executive and Assembly. Jacqui Durkin has been newly appointed as Chief Inspector as of November 2019 and Rev Dr Lesley Carroll has been appointed as the Prisoner Ombudsman as of March 2019. Both appointments are for three year terms.

HMP Maghaberry opened a new £54m 372 cell block in October 2019. A separate high security facility is also planned on the same site but is awaiting business case approval.<sup>441</sup>

The £150m redevelopment at HMP Magilligan is awaiting business case approval and is expected to take many years to deliver.

There is no dedicated prison for women in Northern Ireland. Women are currently housed in Ash House, a block inside the male young offenders prison at HMP Hydebank Wood. Inspectors from the monitoring board visiting in 2017–18 stated that “the Board strongly agree with the Criminal Justice Inspectorate (CJINI, 2016b) that ‘it is still inappropriate that women are located within a secure college for young men.’”<sup>442</sup>

### Sentencing and the use of custody

**The number of people in prison in Northern Ireland has begun to rise.** On 6 December 2019 the total population stood at 1,484—80 more people than the previous year, a rise of 6%.<sup>441</sup>

**The imprisonment rate for Northern Ireland is 79 per 100,000 of the population.** England and Wales have an imprisonment rate of 140 per 100,000, France 106 per 100,000 and Germany 78 per 100,000.<sup>442</sup>

**The number of people entering prison also rose by 3% last year.** There were 5,252 receptions into prison during 2018–19.<sup>443</sup>

**The number of people entering prison for fine default continues to remain high.** Numbers have been rising over the last few years, but in 2018–19 they have finally started to decrease. 371 people went to prison in 2018–19 for failure to pay a fine—down from 611 in 2017–18.<sup>444</sup>

**The number of convictions has decreased by 22% since 2010.** However, there has been a rise in the proportion of sentences resulting in custody. In 2010, 9% of people convicted were sentenced to custody, by 2018 this had risen to 12%. The proportion receiving suspended sentences has also risen from 11% to 16%.<sup>445</sup>

**Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries.** It currently holds almost a third (30%) on remand compared with 11% in England and Wales, and 20% in Scotland.<sup>446</sup>

**Remand accounted for more than half (61%) of all receptions into prison in 2018–19, with 3,206 receptions in total.** On average 436 people were held in prison on remand. They spent on average four and a half months in prison.<sup>447</sup>

**More than three-quarters (78%) of people entering prison to serve a sentence in 2018–19 have been sentenced to a year or less.**<sup>448</sup>

441 Figure 1, Crone, E. (2019) The Northern Ireland Prison Population 2018/19, Belfast: Department of Justice and Northern Ireland Prison Service, situation report for 6 December 2019, accessed on 11 December 2019, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2019>

442 World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 15 November 2019, available at [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=14](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14)

443 Table 7, Crone, E. (2019) The Northern Ireland Prison Population 2018/19, Belfast: Department of Justice

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445 Table 6c, Department of Justice (2019) Court Prosecutions, Conviction and Out of Court Disposals Statistics for Northern Ireland 2018, Belfast: Department of Justice and Table 6c, Department of Justice (2014) Northern Ireland Conviction and Sentencing Statistics 2010–2012, Belfast: Department of Justice

446 Table 1, Crone, E. (2019) The Northern Ireland Prison Population 2018/19, Belfast: Department of Justice; Table 1.1, Ministry of Justice (2019) Offender management statistics quarterly: April to June 2019, London: Ministry of Justice; and Appendix 3, Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS

447 Table 1 and 7, Crone, E. (2019) The Northern Ireland prison population 2018/19, Belfast: Department of Justice and Northern Ireland Prison Service (2019) Analysis of NIPS prison population from 01/07/2018 to 30/09/2019, Belfast: Department of Justice

448 Table 10, Crone, E. (2019) The Northern Ireland prison population 2018/19, Belfast: Department of Justice

**The average cost of keeping a person in prison has fallen from historically high levels**—costing £54,893 per year in 2018–19, down from £73,762 in 2010.<sup>449</sup>

### Safety in custody

**During 2018–19 there were eight deaths in custody**—five at Maghaberry prison and three at Magilligan. Five appeared to be self-inflicted and the remaining three appeared to be the result of natural causes.<sup>450</sup> An “immediate” review of vulnerable people in custody was announced in 2016 but has been beset with delays. The review is now aiming to complete by March 2020.<sup>451</sup>

**A recent study estimated the prevalence of mental illness as 25% higher in Northern Ireland than the rest of the UK.** Despite this, understanding of the needs of prisoners suffering from mental illness is poorly understood.<sup>452</sup>

**Half of people reported feeling unsafe at some time during their time in custody.** 42% reported they had been bullied and of those that had, 19% reported the incident, 23% did not.<sup>453</sup>

**Almost one in 10 people (8%) reported they had developed a drug problem since entering prison.**<sup>454</sup>

**Around one in 10 people tested positive for drugs**—HMP Magilligan (10%) and HMP Maghaberry (9%).<sup>455</sup>

### Treatment and conditions

**Availability of constructive activity in prisons varies widely.** At Magilligan, people spent around 70 hours a month in constructive activity, whereas at Maghaberry people only spent around 20 hours per month. However, inspectors have questioned the accuracy of this data, and warned that it doesn’t provide any indication of quality.<sup>456</sup>

**Inspectors found significant improvements at HMP Maghaberry**—staff-prisoner relationships were much more positive, there was better supervision and a predictable regime had been introduced which contributed to a safer environment.<sup>457</sup>

**However, despite a reduction in violence at HMP Maghaberry nearly one in three people (29%) still said they felt unsafe.**<sup>458</sup>

**Inspectors continue to find worse outcomes for Catholics in prison than Protestants.** Inspectors said that “a serious attempt was being made” at Maghaberry prison, to help understand the reasons.<sup>459</sup>

### People in prison

**Almost 40% of people reported that they had a problem with drugs when they came into prison**—31% reported having a problem with prescription drugs.<sup>460</sup>

**44% of people reported having a problem with alcohol when they came into prison.**<sup>461</sup>

**A total of 67% of all people in prison are on prescribed medication—80% at Maghaberry, 58% at Magilligan and 38% at Hydebank Wood Young Offenders Centre.** The levels of prescribing reflect the fact that prisoners tend to have poorer physical and mental health than the general population.<sup>462</sup>

**34% of people entering prison have a literacy ability, and 51% have a numeracy ability, at a level broadly equated to that expected of a nine year old.**<sup>463</sup>

449 Northern Ireland Prison Service (2019) Northern Ireland Prison Service annual report and accounts 2018–19, Belfast: Department of Justice and Committee for Justice (2014) Prison service reform and management of drugs misuse: Northern Ireland Prison Service, Belfast: Northern Ireland Assembly

450 The Prisoner Ombudsman for Northern Ireland (2019) Annual report 2018–19, Belfast: The Prisoner Ombudsman for Northern Ireland

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452 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

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455 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

456 Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

457 Criminal Justice Inspection Northern Ireland (2018) Report on an unannounced visit to Maghaberry Prison, 9–19 April 2018, Belfast: CJINI

458 Ibid.

459 Ibid. and Criminal Justice Inspection Northern Ireland (2017) Report on an unannounced inspection of Magilligan Prison, 12–22 June 2017, Belfast: CJINI

460 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

461 Ibid.

462 Ibid.

463 Northern Ireland Prison Service (2014) Building for the future—Northern Ireland Prison Service estate strategy, Belfast: Department of Justice

**10% of the prison population are foreign nationals**—more than two-thirds (69%) are on remand.<sup>464</sup>

### Women in prison

**On 6 December 2019 there were 74 women in prison in Northern Ireland.**<sup>465</sup> They accounted for 8% of receptions into prison in 2018–19.<sup>466</sup>

**Receptions to prison increased by 34% for women between 2014–15 and 2018–19—whilst men’s rose by 8%.** Much of the increase has been due to a rise in the number of women on remand and fine default.<sup>467</sup>

**Almost three-quarters (72%) of women entering prison to serve a sentence are there for non-violent offences.** The majority of these are for theft and public order offences.<sup>468</sup>

**Six in 10 women in prison surveyed said they had children under the age of 18.** A third said it was difficult or very difficult for family and friends to visit, a further quarter (24%) said they didn’t receive visits.<sup>469</sup>

### Children and young adults in prison

**160 children (aged 10–17) entered custody in 2018–19, a 4% decrease in the last year, the vast majority were boys (91%).** 18 children were held in custody on average.<sup>470</sup>

**Most children are in custody on remand**—accounting for nearly three-quarters (72%) of the population.<sup>471</sup>

**More than two in five children in custody (39%) were in care**—they accounted for almost half (45%) of all receptions into custody in 2018–19.<sup>472</sup>

**Inspectors have raised concerns that children continue to be inappropriately placed in custody at times of crisis when no alternative accommodation is available, and when offending is not serious.**<sup>473</sup>

**126 young adults (aged 18–20) entered custody in 2018–19 to serve a sentence.**<sup>474</sup>

**Six in 10 (61%) said they had felt unsafe at some time**—over a quarter (27%) told inspectors they currently felt unsafe.<sup>475</sup>

### Rehabilitation and resettlement

**Inspectors have raised concerns at the lack of targets, performance data or outcomes available to assess measures to reduce risk, reoffending, and preparing people to return to the community.**<sup>476</sup>

**43% of adults released from custody went on to be reconvicted within a year.** Most people (52%) who reoffended did so within three months of release; more than three-quarters (78%) had within six months.<sup>477</sup>

**Over a third of people (36%) had no accommodation confirmed to go to on release from prison.**<sup>478</sup>

**Of the 33 children released from custody, 24 committed a proven reoffence**—more than half had reoffended within the first two months.<sup>479</sup>

**Inspectors found increased use of home leave to support rehabilitation, and that work to maintain relationships with children, families and friends “remained very strong” at HMP Magilligan.**<sup>480</sup>

**The number of people recalled to custody has been increasing in recent years.** However, 186 people were recalled back to prison in 2018–19, down from 218 in the previous year. Inspectors have called for an analysis of the reasons for recall to learn lessons.<sup>481</sup>

464 Northern Ireland Prison Service (2018) Analysis of NIPS Prison Population from 01/07/2017 to 30/09/2018, Belfast: Department of Justice

465 Northern Ireland Prison Service, situation report for 6 December 2019, accessed on 11 December 2019, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2015>

466 Table 7, Crone, E. (2019) The Northern Ireland prison population 2018/19, Belfast: Department of Justice

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469 National Preventive Mechanism (2016) Report on an unannounced inspection of Ash House, Hydebank Wood women’s prison, Belfast: CJNI

470 Table 1, Table 9 and Figure 1 data, Mill, J. (2019) Northern Ireland Youth Justice Agency annual workload statistics 2018/19, Belfast: Youth Justice Agency

471 Figure 1 data, Ibid.

472 Table 12 and 6, Ibid.

473 Criminal Justice Inspection Northern Ireland (2018) An announced inspection of Woodlands Juvenile Justice Centre, Belfast: CJINI

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