

Prison: the facts

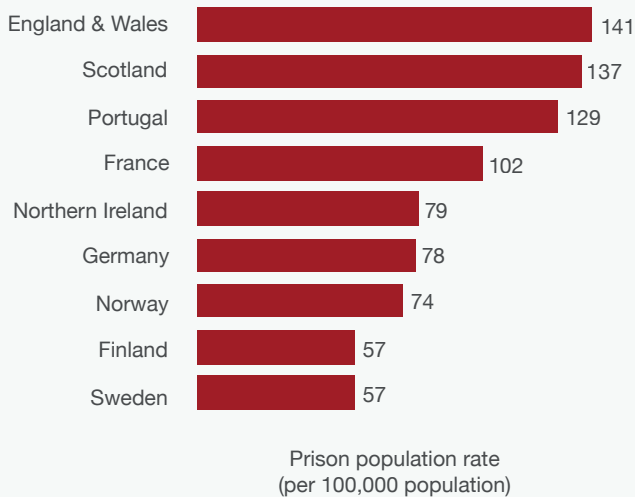
Bromley Briefings Summer 2018



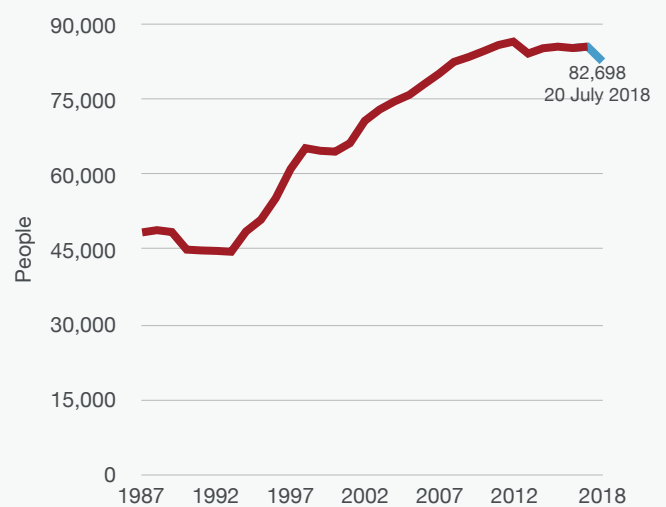
Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They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

Sentencing and the use of custody

England and Wales has the highest imprisonment rate in western Europe



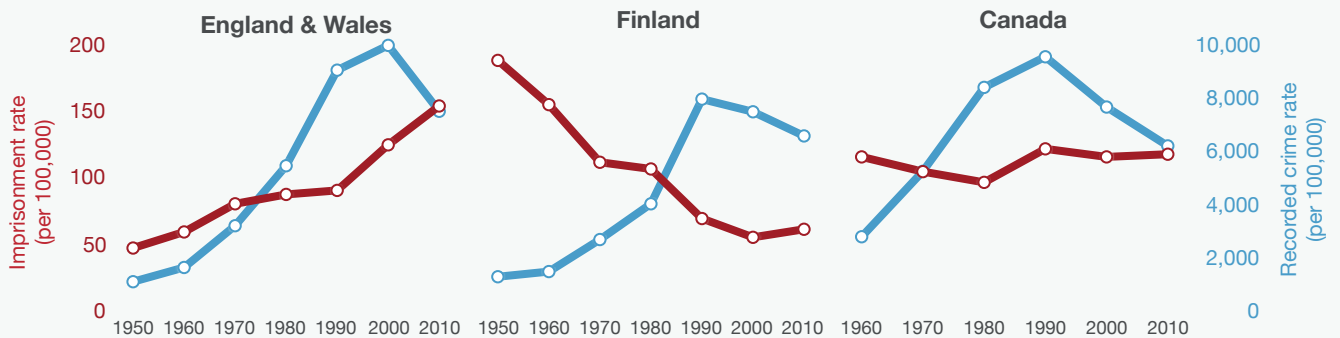
The prison population has risen by 77% in the last 30 years



Source: International Centre for Prison Studies

Source: Offender management statistics, Prison Population 2017 and Population and capacity briefing for 20 July 2018

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

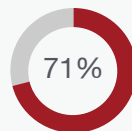


In England and Wales, we overuse prison for petty and persistent crime.³

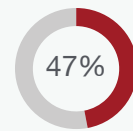
Nearly

65,000

people were sent to prison to serve a sentence in 2017



The majority had committed a non-violent offence

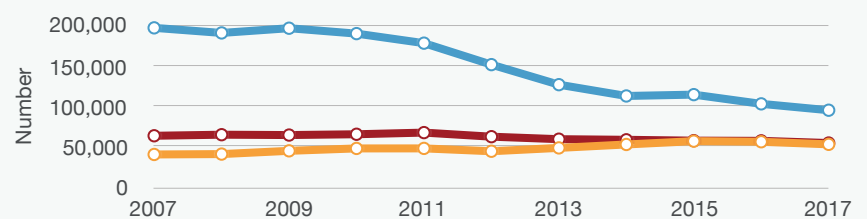
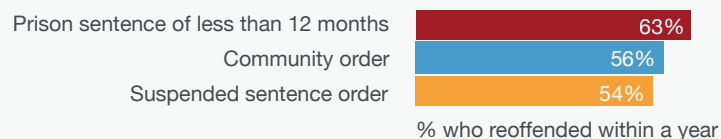


Almost half were sentenced to serve six months or less

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

Yet, the use of community sentences has more than halved in only a decade.

Suspended sentences have risen, but account for only 4% of all sentences.⁵



¹ National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office

² Lappi-Seppälä, T (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>; Table 1, Eurostat (2013) Trends in crime and criminal justice, graphs and tables, Trends in crime and criminal justice 2010, Luxembourg: European Commission; Office for National Statistics (2017) UK and regional population estimates 1838 to 2015, Mid-2015 population estimates, London: ONS; Table 8, von Hofer, H., et al. (2012) Nordic Criminal Statistics 1950–2010, Stockholm: Stockholms universitet; and Statistics Canada (2017) 'Canada's crime rate: Two decades of decline', available at <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm>

³ Table A2.7 and A2.9i, Ministry of Justice (2018) Offender management statistics: Prison receptions 2017, London: Ministry of Justice

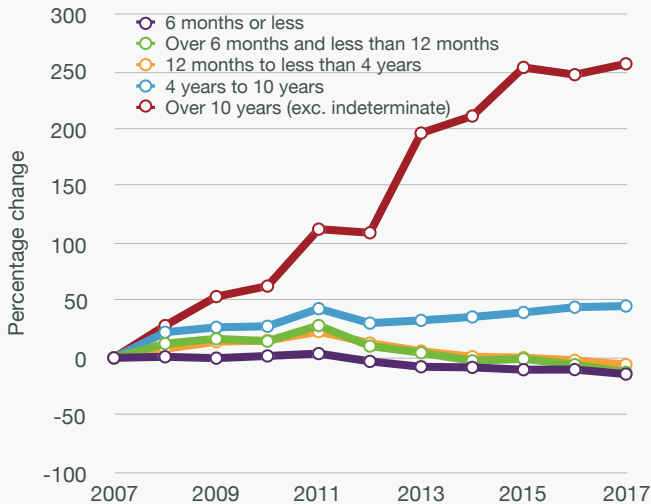
⁴ Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

⁵ Table Q5.1b and Q5.4, Ministry of Justice (2017) Criminal justice statistics quarterly June 2017, London: Ministry of Justice

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, according to research by the Ministry of Justice.⁶

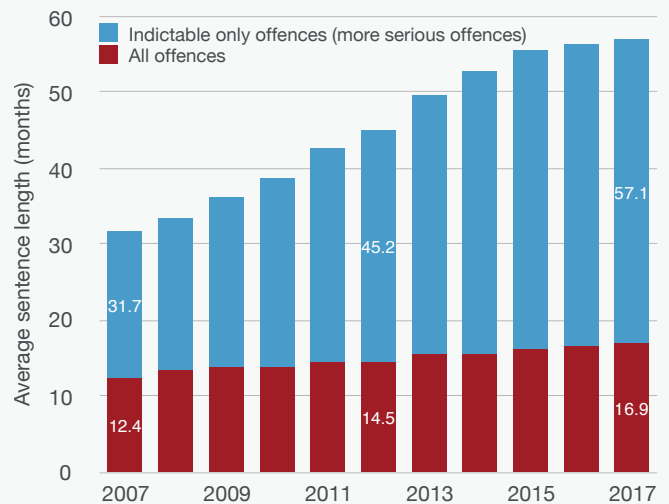
We choose to send people to prison for a long time...and it's growing.

More than three times as many people were sentenced to 10 years or more in 2017 than a decade ago.⁷



Source: Criminal justice statistics quarterly December 2017

For more serious, indictable offences, the average prison sentence is now 57.1 months—25 and a half months longer than 10 years ago.⁸



Source: Criminal justice statistics quarterly December 2017

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 2001.⁹

Judges are also imposing longer tariff periods.¹⁰ The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.¹¹

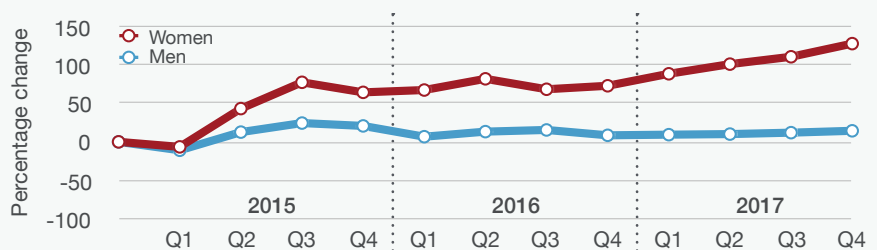
Many of our prisons are overcrowded—and have been for a long time. Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks.¹²

In 2016–17 nearly 21,000 people were held in overcrowded accommodation—almost a quarter of the prison population. This level of overcrowding has remained broadly unchanged for the last 14 years.¹³

Many 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.¹⁴

As a result, the number of people recalled back to custody has increased, particularly amongst women. 8,825 people serving a sentence of less than 12 months were recalled to prison in the year to December 2017.¹⁵



6 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

7 Table Q5.4, Ministry of Justice (2018) Criminal justice statistics quarterly December 2017, London: Ministry of Justice

8 Table Q5.1b, Ibid.

9 Table A3.3, Ministry of Justice (2018) Offender management statistics prison releases 2017, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

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

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

12 HM Chief Inspector of Prisons (2015) Annual Report 2014–15, London: The Stationery Office

13 Tables 2.2 and 2.3, Ministry of Justice (2017) Annual National Offender Management Service digest: 2016 to 2017, London: Ministry of Justice

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

15 Table 5.2, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

Safety in prisons

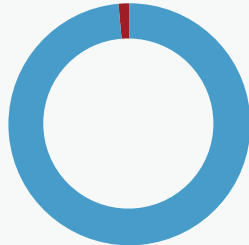
Safety in prisons has deteriorated rapidly during the last six years. People in prison, prisoners and staff, are less safe than they have been at any other point since records began, with more self-harm and assaults than ever before. Despite a welcome decline, the number of self-inflicted deaths remains high.

299

People died in prison in the year to March 2018

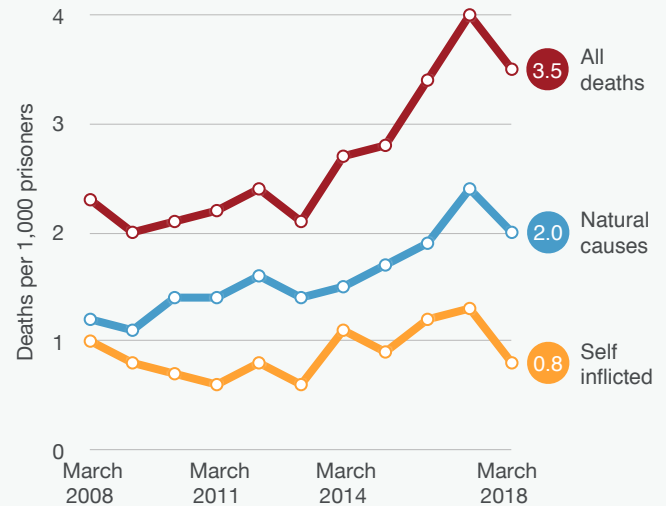


Nearly a quarter were self-inflicted



68 were men
1 was a woman

Rates of death in prison have risen sharply in the last six years—but have begun to fall at last.



Self-inflicted deaths are 5.1 times more likely in prison than in the general population.¹⁴

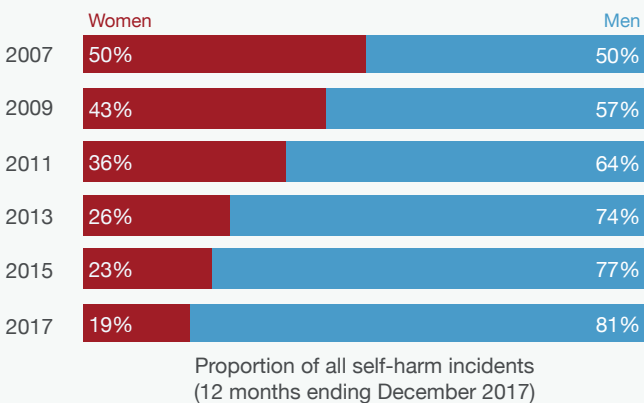
Self-harm

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.

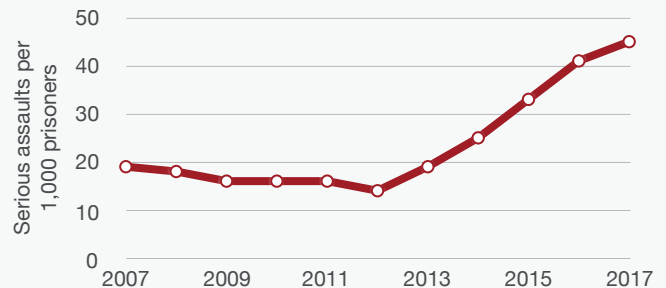
But in recent years there has been a significant rise in self-harm incidents by **men**.



Source: Safety in custody statistics quarterly update to December 2017

Assaults

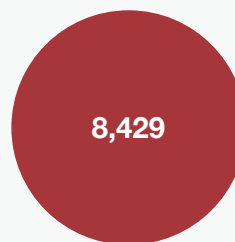
Serious assaults are at the highest level ever recorded



Assaults on staff have

↑ 158%

in only four years



assaults on staff in the year to December 2018

864

were classified as serious

There were five homicides in prison in the year to March 2018 and another three the year before.¹⁶

Sexual assaults in prison have more than tripled since 2012. There were 395 recorded assaults in 2017.¹⁷

There were 79 deaths in prison between June 2013 and September 2016, where the person was known, or strongly suspected, to have used or possessed new psychoactive substances (NPS) before their death—56 of these were self-inflicted.¹⁸

Prison service resources and staffing

HM Prisons and Probation Service (HMPPS) reduced its budget by nearly a quarter between 2010–11 and 2014–15.¹⁹

Spending has begun to increase. Total expenditure in 2016–17 was £3,723m—£206m more than the year before.²⁰

But the Ministry of Justice faces significant financial pressures. Its budget fell by £400m in 2018–19 and will decrease by a further £200m in 2019–20.²¹

£1.3bn has been announced to invest in reforming and modernising the prison estate. The government has committed to build nine new prisons, five of these by 2020. To date building work has not started on any of the announced sites.²²

However, analysis conducted for the Prison Reform Trust estimates that these plans face a shortfall of £162m in 2018–19, rising to £463m in 2022–23 as a result of prison population pressures.²³

A new 2,106 place prison in Wrexham, North Wales opened in February 2017 at a cost of £212m.²⁴ Plans were also announced to create 5,000 further places with the possible building of four new prisons in Yorkshire, Wigan, Rochester and Port Talbot.²⁵

However, the prison population is expected to grow by around 1,600 above previous predictions by 2022.²⁶ Plans to close HMPs Rochester and Hindley have been delayed due to pressure for prison places, and the Welsh Government has refused to give consent to build a prison at Port Talbot.²⁷

The cost of a prison place has reduced by nearly a quarter (23%) between 2009–10 and 2016–17. The average annual overall cost of a prison place in England and Wales is now £38,042.²⁸

The government is attempting to boost officer numbers following a 25% cut in frontline operational staff between 2010–2017.²⁹ The reduction in staff numbers “has been detrimental to security, stability and good order in prisons” according to Ministry of Justice Permanent Secretary, Richard Heaton.³⁰

£100m has been committed to recruit a further 2,500 officers by December 2018.³¹ This target has now been met, with the number of prison officers increasing by 2,638 in the last year.³²

But retention remains a problem—nearly two in five officers (39%) who left the service last year had been in the role for less than two years.³³

A fifth of prison officers (21%) have been in post for a year or less. The proportion of experienced staff is also declining—half of officers (51%) have 10 years of experience or more.³⁴

¹⁶ Table 2, Ministry of Justice (2018) Safety in custody quarterly: update to December 2017, London: Ministry of Justice

¹⁷ Table 3.9, Ibid.

¹⁸ Newcomen, N. (2017) Prisons and Probation Ombudsman speech to the All Party Parliamentary Group on Penal Affairs, available at <http://bit.ly/PPOspeechtoAPPG>

¹⁹ National Offender Management Service (2016) Annual Report and Accounts 2015–16, London: The Stationery Office

²⁰ Ibid. and National Offender Management Service (2017) Annual Report and Accounts 2016–17, London: The Stationery Office

²¹ Table 1.7, HM Treasury (2017) Autumn Budget 2017, London: HM Stationery Office

²² HM Treasury (2015) Spending review and autumn statement 2015, London: HM Stationery Office and House of Commons written question 151219, 12 June 2018

²³ Le Vay, J. (2017) Assessment for the Prison Reform Trust of the financial outlook for HM Prison Service, 2017–25, London: Prison Reform Trust

²⁴ HM Treasury (2015) Spending review and autumn statement 2015, London: HM Stationery Office and National Offender Management Service (2017) Annual Report and Accounts 2016–17, London: The Stationery Office

²⁵ Ministry of Justice (2017) Justice Secretary announces plans to create 5,000 modern prison places, available at <https://www.gov.uk/government/news/justice-secretary-announces-plans-to-create-5000-modern-prison-places>

²⁶ Ministry of Justice (2017) Prison Population Projections 2017 to 2022, England and Wales, London: Ministry of Justice

²⁷ 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>

²⁸ Table 1, Ministry of Justice (2017) Costs per prison place and cost per prisoner by individual prison establishment 2016 to 2017 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual Report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2017) GDP deflators at market prices, and money GDP September 2017 (Quarterly National Accounts, September 2017), London: HM Treasury

²⁹ Table 3, Ministry of Justice (2018) HM Prison and Probation Service workforce statistics: March 2018, London: Ministry of Justice

³⁰ House of Commons Public Accounts Committee (2017) Mental health in prisons, Oral evidence session: 23 October, London: HM Stationery Office

³¹ House of Lords written question HL1680, 18 October 2017

³² Table 3, Ministry of Justice (2018) HM Prison and Probation Service workforce statistics: March 2018, London: Ministry of Justice

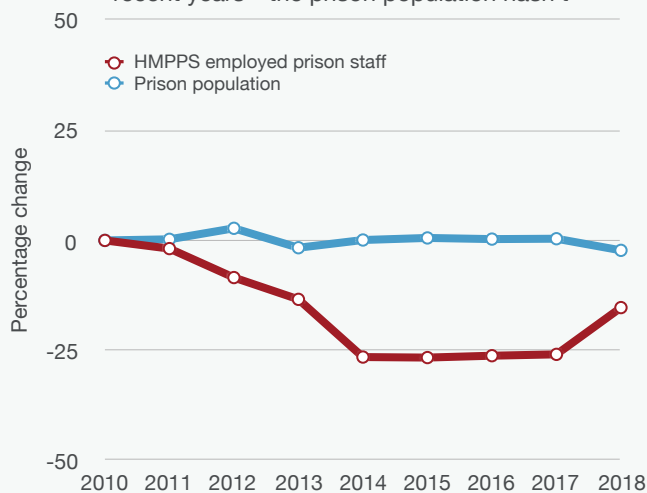
³³ Table 10, Ibid.

³⁴ Table 4, Ibid.

Prison service resources and staffing

Public sector prison staff

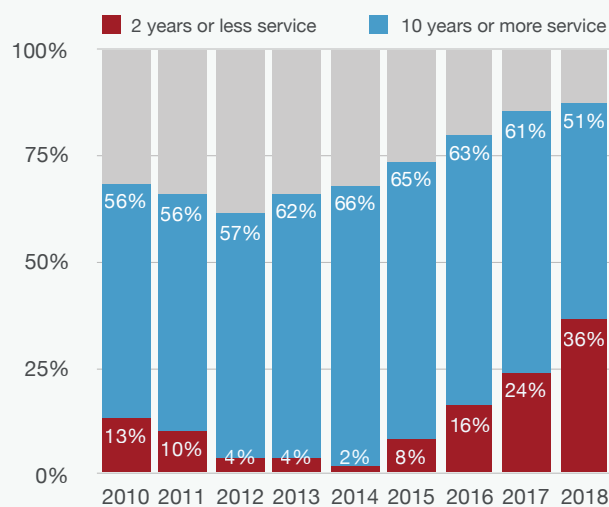
Staff numbers have changed dramatically in recent years—the prison population hasn't



Sources: HMPPS workforce statistics bulletin: March 2018 and Offender management statistics

Growing inexperience

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



Source: HMPPS workforce statistics bulletin: March 2018

People in prison

People on remand

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

People remanded to custody to await trial are innocent until proven guilty. 34,017 people were sent to prison before their trial in 2017—down by 16% in two years.³⁵

More than half (56%) of people entering prison on remand awaiting trial are accused of non-violent offences—16% were for theft offences, and 12% for drug offences.³⁶

People on remand currently make up one in 10 people in prison (11%)—9,263 people. The majority are awaiting trial (67%), whilst the rest await sentencing.³⁷

One in 10 people remanded into custody by magistrates' courts in 2017 were subsequently acquitted. A further 14% of people received a non-custodial sentence. In the Crown court, the figures were 12% and 14% respectively.³⁸

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

Black men are 26%, and mixed ethnicity men 22% more likely to be remanded in custody at the Crown court than white men.³⁹

Nearly three in 10 (29%) self-inflicted deaths in 2017 were by people held on remand—far higher than the proportion of the prison population they represent (11%).⁴⁰

However, use of remand is falling. The number of people in prison on remand has dropped by over a quarter since 2010.⁴¹

³⁵ Table A2.1i, Ministry of Justice (2018) Offender management statistics: Prison receptions 2017, London: Ministry of Justice

³⁶ Table A2.5j, Ibid.

³⁷ Table 1.1, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

³⁸ Table Q4.4, Ministry of Justice (2018) Criminal justice statistics quarterly December 2017, London: Ministry of Justice

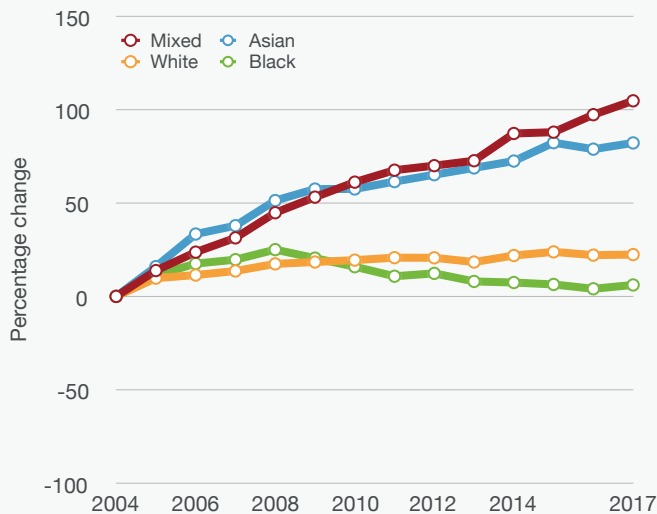
³⁹ Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

⁴⁰ Table 1.11, Ministry of Justice (2018) Safety in custody statistics quarterly update to December 2017, London: Ministry of Justice

⁴¹ Table A2.1i, Ministry of Justice (2018) Offender management statistics: Prison receptions 2017, London: Ministry of Justice and Table A1.1, Ministry of Justice (2018) Offender management statistics: Prison population 2017, London: Ministry of Justice

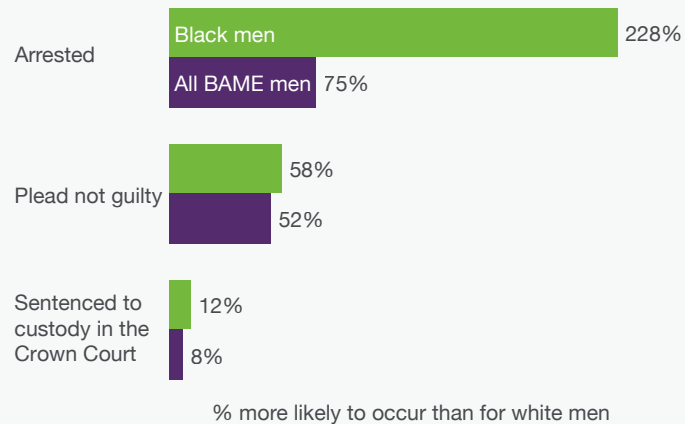
Black, Asian and minority ethnic people in prison

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



Source: Offender management statistics, Prison population 2017

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



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

Over a quarter (26%) of the prison population, 21,992 people, are from a minority ethnic group.⁴²

If our prison population reflected the make-up of England and Wales, we would have over 9,000 fewer people in prison—the equivalent of 12 average-sized prisons.⁴³

The economic cost of black, Asian and minority ethnic (BAME) overrepresentation in our prison system is estimated to be £234 million a year.⁴⁴

Research has found a clear direct association between ethnic group and the odds of receiving a custodial sentence. With black people 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.⁴⁵

The number of Muslim prisoners has more than doubled over the past 15 years. In 2002 there were 5,502 Muslims in prison, by 2017 this had risen to 13,185.⁴⁶ They now account for 15% of the prison population but just 5% of the general population.⁴⁷

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.⁴⁸

Only one per cent of Muslims in prison are currently there for terrorism related offences.⁴⁹

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

BAME people often report more negatively about their experience in prison. 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 victimised by staff. Responses by Muslim prisoners in these areas were even worse.⁵¹

Only one in 100 prisoners who made an allegation of discrimination against prison staff had their case upheld by the prison. By contrast, three in four staff (76%) reports of alleged discrimination by a prisoner were upheld.⁵²

42 Table 1.4, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

43 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

44 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

45 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

46 Table A1.10, Ministry of Justice (2017) Offender management statistics: Prison population 2017, London: Ministry of Justice

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

48 House of Lords written question HL3275, 5 January 2017

49 Table P.04, Home Office (2017) Operation of police powers under the Terrorism Act 2000: quarterly update to December 2017, London: Home Office and Table 1.5, Ministry of Justice (2018) Offender Management Statistics quarterly: October to December 2017, London: Ministry of Justice

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

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

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

Older people in prison

With prison sentences getting longer, more people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. There are now more than triple the number there were 15 years ago.⁵³

One in six people (16%) in prison are aged 50 or over—13,559 people. Of these, 3,278 are in their 60s and a further 1,665 people are 70 or older.⁵⁴

The number of over 50s in prison is projected to rise to 14,800 by 2021—an increase of 11%. The most significant change is anticipated in the over 70s, projected to rise by 31%.⁵⁵

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%).⁵⁶

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.⁵⁷

Life and indeterminate sentences

Many people in prison don't know if, or when, they might be released. Indeterminate sentences account for 14% of the sentenced prison population, up from 9% in 1993.⁵⁸

England and Wales have more than twice as many people serving indeterminate sentences than France, Germany and Italy combined—the highest in Europe by a significant margin.⁵⁹

10,018 people are currently in prison serving an indeterminate sentence. 7,134 people are serving a life sentence and a further 2,884 people are serving sentences of Imprisonment for Public Protection (IPP).⁶⁰

Despite its abolition in 2012, nearly nine in 10 people (88%) serving an IPP sentence are still in prison having passed their tariff expiry date—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.⁶¹

459 people are still in prison despite being given a tariff of less than two years—nearly half of these (278 people) have served eight years or more beyond their original tariff.⁶²

The rate of release for IPP prisoners has increased sharply in the last three years. In 2017, for every 1,000 people serving an IPP sentence 184 were released.⁶³

But the number of people in prison who have been recalled from the community is rising. There are currently 847 people serving an IPP who have been returned to custody.⁶⁴

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

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 2001.⁶⁵

There are currently 62 people serving a whole life sentence—they are unlikely to ever be released.⁶⁶

⁵³ Table A1.7, Ministry of Justice (2017) Offender management statistics: Prison population 2017, London: Ministry of Justice

⁵⁴ Table 1.3, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

⁵⁵ Table 4.1, Ministry of Justice (2017) Prison population projections 2017 to 2022, London: Ministry of Justice

⁵⁶ House of Lords written question HL3278, 5 January 2017

⁵⁷ 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

⁵⁸ Table 1.1, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

⁵⁹ Table 7, Aebi, M., et al. (2018) Council of Europe Annual Penal Statistics, Survey 2016, Strasbourg: Council of Europe

⁶⁰ Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

⁶¹ Ibid.

⁶² Table 1.9b, Ibid.

⁶³ Table A3.3, Ministry of Justice (2018) Offender management statistics prison releases 2017, London: Ministry of Justice and Table A1.15, Ministry of Justice (2017) Offender management statistics: Prison population 2017, London: Ministry of Justice

⁶⁴ Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

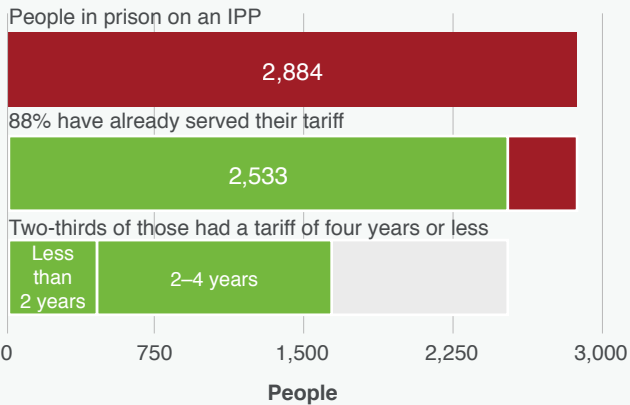
⁶⁵ Table A3.3, Ministry of Justice (2018) Offender management statistics prison releases 2017, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

⁶⁶ Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

Life and indeterminate sentences

The legacy of the IPP

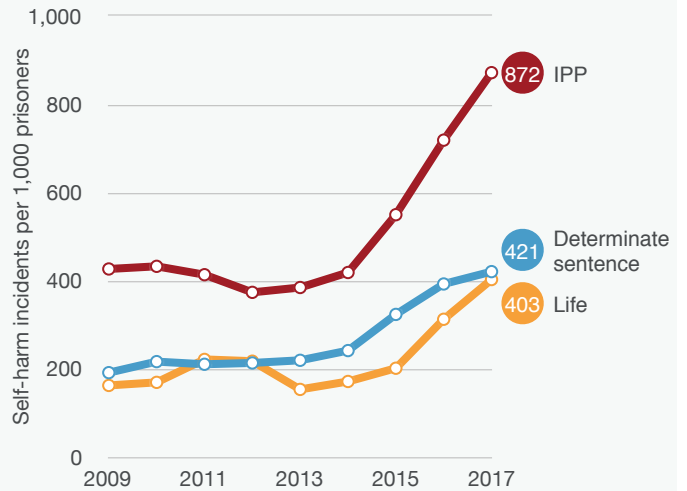
Nearly nine in 10 are stuck in prison beyond tariff



Source: Offender management statistics quarterly: October to December 2017

Risk of harm?

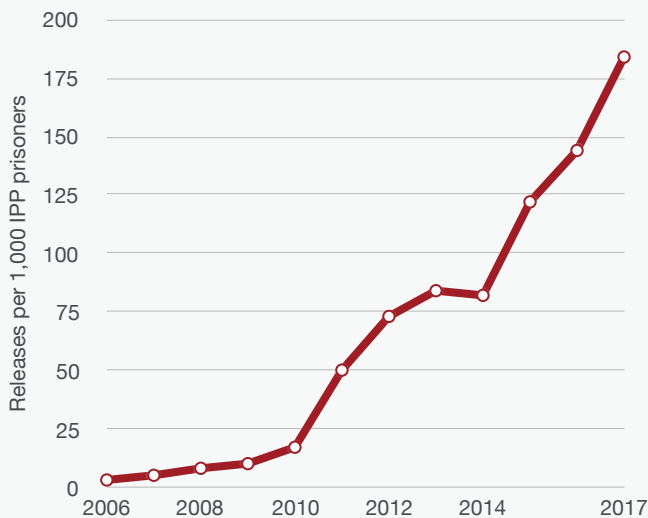
IPP prisoners are more likely to self-harm



Source: Safety in custody statistics quarterly update to December 2017 and Offender management statistics prison population 2017

Successful release

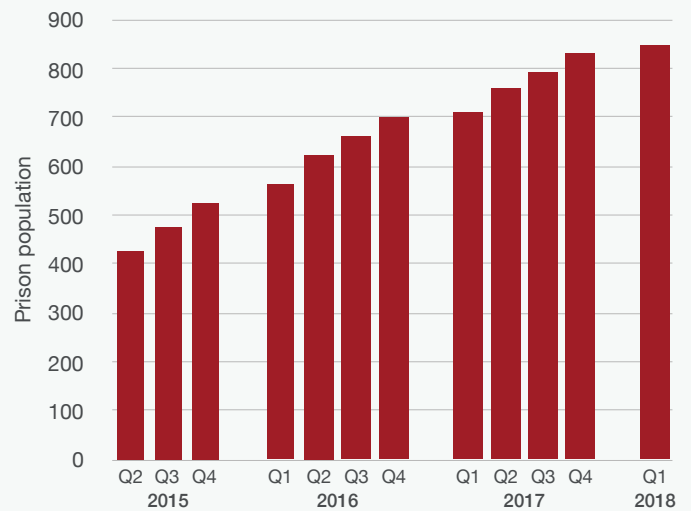
Release rates for IPPs have risen sharply in the last three years



Source: Offender management statistics prison releases 2017 and Offender management statistics prison population 2017

But success is short lived for some

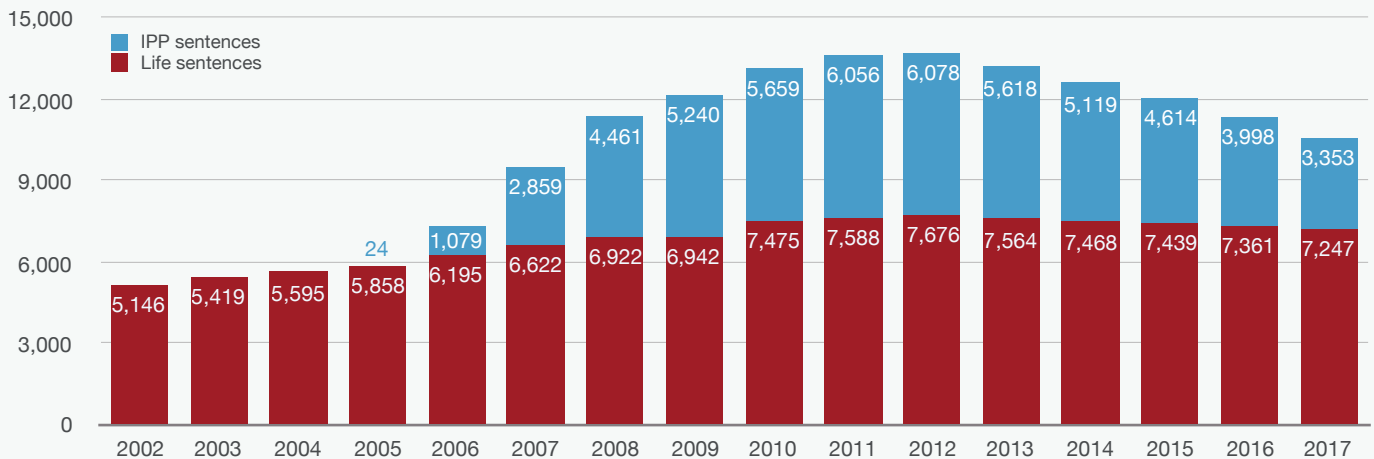
Growing numbers of people on IPPs are back in prison



Source: Offender management statistics quarterly: October to December 2017 and previous editions

The growth of indeterminate sentences

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



Source: Offender management statistics prison population 2017 and previous editions

People with learning disabilities and difficulties

Nearly a third of people assessed in prison in 2016–17 reported that they had a learning disability or difficulty.⁶⁷ This is consistent with previous research.⁶⁸

7% of people in contact with the criminal justice system have a learning disability—this compares with only 2% of the general population.⁶⁹

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.”⁷⁰

However, more than half of prisons inspected in 2016–17 were actively identifying and supporting prisoners with learning disabilities—a marked improvement on previous years.⁷¹

Four-fifths of prisoners with learning disabilities or difficulties report having problems reading prison information. They also had difficulties expressing themselves and understanding certain words.⁷²

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.⁷³

The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.⁷⁴

There is currently 82% population coverage of liaison and diversion services across England—full roll out of services should be achieved by 2020–21.⁷⁵

Foreign nationals in prison

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

Foreign nationals (non-UK passport holders) currently make up 11% of the prison population in England and Wales. On 31 March 2018 there were 9,318 foreign nationals in prison.⁷⁶

Foreign national prisoners come from 162 countries—but over half are from nine countries (Poland, Albania, Ireland, Romania, Jamaica, Lithuania, Pakistan, Somalia and Portugal).⁷⁷

More than eight in 10 (81%) foreign nationals entering prison to serve a sentence in 2017 were sent there for non-violent offences.⁷⁸

11% of women in prison are foreign nationals.⁷⁹ Some are known to have been coerced or trafficked into offending.⁸⁰

More than 44,000 foreign national offenders have been removed from the UK since 2010. 5,865 of these were removed in 2017.⁸¹

358 people were still held in prison at the end of March 2018 under immigration powers, despite having completed their custodial sentence.⁸²

⁶⁷ Department for Education (2017) OLASS: participation and achievement by equality and diversity & English and maths level: 2010/2011 to 2016/2017, London: DfE

⁶⁸ Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

⁶⁹ NHS England (2016) Strategic direction for health services in the justice system: 2016–2020, London: NHS England

⁷⁰ 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

⁷¹ HM Chief Inspector of Prisons (2017) Annual Report 2016–17, London: HM Stationery Office

⁷² Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

⁷³ Ibid.

⁷⁴ Department of Health website, accessed on 19 July 2018, available at

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

⁷⁵ Ibid. and House of Commons written question 136060, 19 April 2018

⁷⁶ Table 1.7, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

⁷⁷ Ibid.

⁷⁸ House of Commons written question 141741, 16 May 2018

⁷⁹ Table 1.7, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

⁸⁰ Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

⁸¹ Table rt_06_q, Home Office (2018) Immigration statistics, year ending March 2018, London: Home Office

⁸² Table dt_12_q, Ibid.

Women in prison

Women make up only

5%

of the total prison population

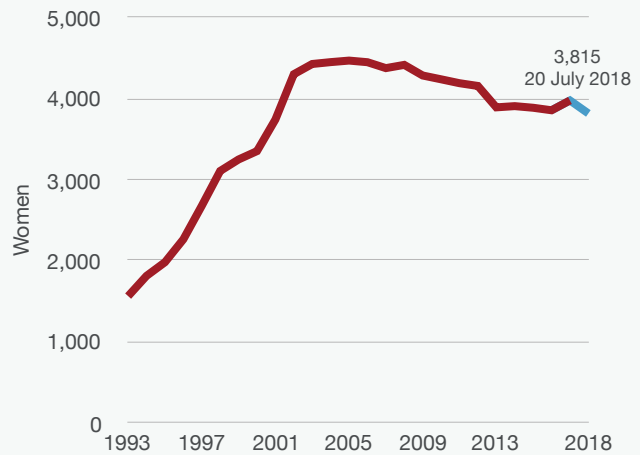
In 2017

8,474

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

Source: Population and capacity briefing for 20 July 2018 and Offender management statistics quarterly: Prison receptions 2017

The number of women in prison has more than doubled since 1993. There are now around 2,400 more women in prison today than there were in 1993.



Source: Offender management statistics and Population and capacity briefing for 20 July 2018

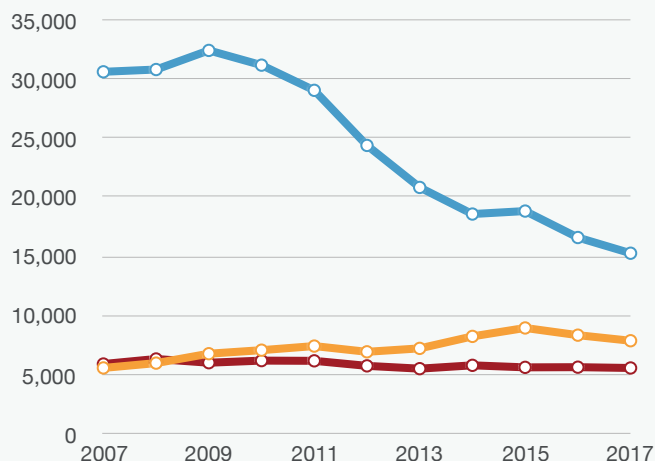
Women tend to commit less serious offences—so many serve prison sentences of 12 months or less.

In 2017, women and men entered prison for committing the following offences and to serve the following sentences



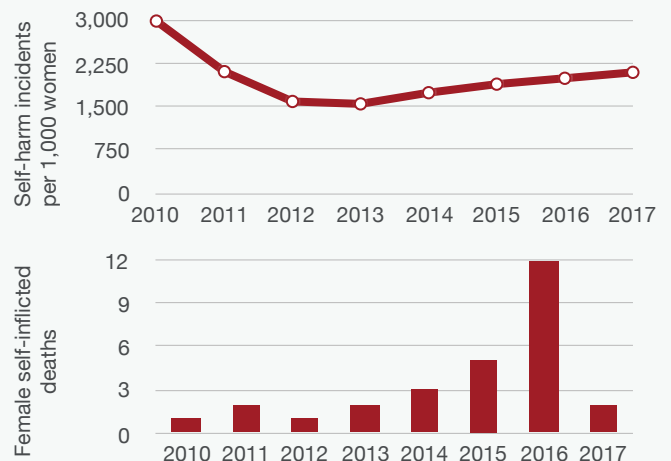
Source: Offender management statistics, October to December 2017

Community sentences for women have halved in a decade—suspended sentences have risen, but account for only 3% of all sentences. Use of short prison sentences has remained stable



Source: Criminal justice statistics quarterly December 2017, 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 December 2017

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.⁸³

Most women entering prison under sentence (83%) have committed a non-violent offence.⁸⁴

More women were sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.⁸⁵

The proportion of women serving very short prison sentences has risen sharply. In 1993 only a third of women given a custodial sentence were for less than six months—in 2017 it was nearly double this (62%).⁸⁶

Eight in 10 women in prison (79%) reported that they had mental health issues compared with more than seven in 10 men (71%).⁸⁷

Rates of self-harm amongst women are at the highest level for six years. Women account for a disproportionate level of self-harm in prison—last year 19% of all self-harm incidents in prison were by women, despite making up only 5% of the total prison population.⁸⁸

There were 93 pregnant women in prison as of 31 December 2017.⁸⁹

Children and young adults in prison

The number of children (under-18s) in custody in England and Wales has fallen by 70% in the last decade.⁹⁰ They are also committing fewer crimes—with proven offences down by 75% since 2007.⁹¹

At the end of May 2018 there were 894 children in custody—47 children were aged 14 or younger.⁹²

Three in 10 children in custody in 2016–17 were there for non-violent crimes.⁹³

Fewer than 1% of all children in England are in care,⁹⁴ but they make up around two-fifths of children in secure training centres (38%) and young offender institutions (42%).⁹⁵

Nearly half of all children in custody (48%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for BAME children—a decade ago they accounted for a quarter.⁹⁶

Only three of the nine children's establishments inspected in 2017–18 were rated as 'reasonably good' for safety and none were rated 'good'—a sharp decline from 2013–14 when nine out of 12 establishments received these ratings.⁹⁷

Assault rates amongst children in custody remain high, with an average of 228 assaults a month. There were 19 assaults per 100 children in custody in the year to March 2017, up from nine in 2010.⁹⁸

Restraint of children in custody remains high, with an average of 377 restraint incidents a month. In the year to March 2017, there were 32 incidents of restraint per 100 children in custody, up from 18 in 2010.⁹⁹

Time spent in education and training in young offender institutions remains limited. Last year children spent less than 14 hours a week on average in education in publicly run institutions. Those held at the only private institution, Parc, had over 24 hours a week on average in education and vocational training.¹⁰⁰

83 House of Commons written question 119151, 20 December 2017

84 Table 2.9i, Ministry of Justice (2018) Offender management statistics quarterly: Prison receptions 2017, London: Ministry of Justice

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

86 Hedderman, C. (2012) Empty cells or empty words, government policy on reducing the number of women going to prison, London: Criminal Justice Alliance and Table A2.7, Ministry of Justice (2018) Offender management statistics quarterly: Prison receptions 2017, London: Ministry of Justice

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

88 Table 3, Ministry of Justice (2018) Safety in custody quarterly: update to December 2017, London: Ministry of Justice

89 House of Commons written question 131531, 16 March 2018

90 Table 1, Youth Justice Board (2018) Monthly youth custody report—May 2018, London: Youth Justice Board

91 Table 4.1, Ministry of Justice (2018) Youth Justice Statistics 2016–17, London: Ministry of Justice

92 Table 1 and 8, Youth Justice Board (2018) Monthly youth custody report—May 2018, London: Youth Justice Board

93 Table 7.6, Ministry of Justice (2018) Youth Justice Statistics 2016–17, London: Ministry of Justice

94 Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE and Table MYE2 - All, Office for National Statistics (2018) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2016, London: ONS

95 HM Inspectorate of Prisons (2017) Children in custody 2016–17, London: HM Stationery Office

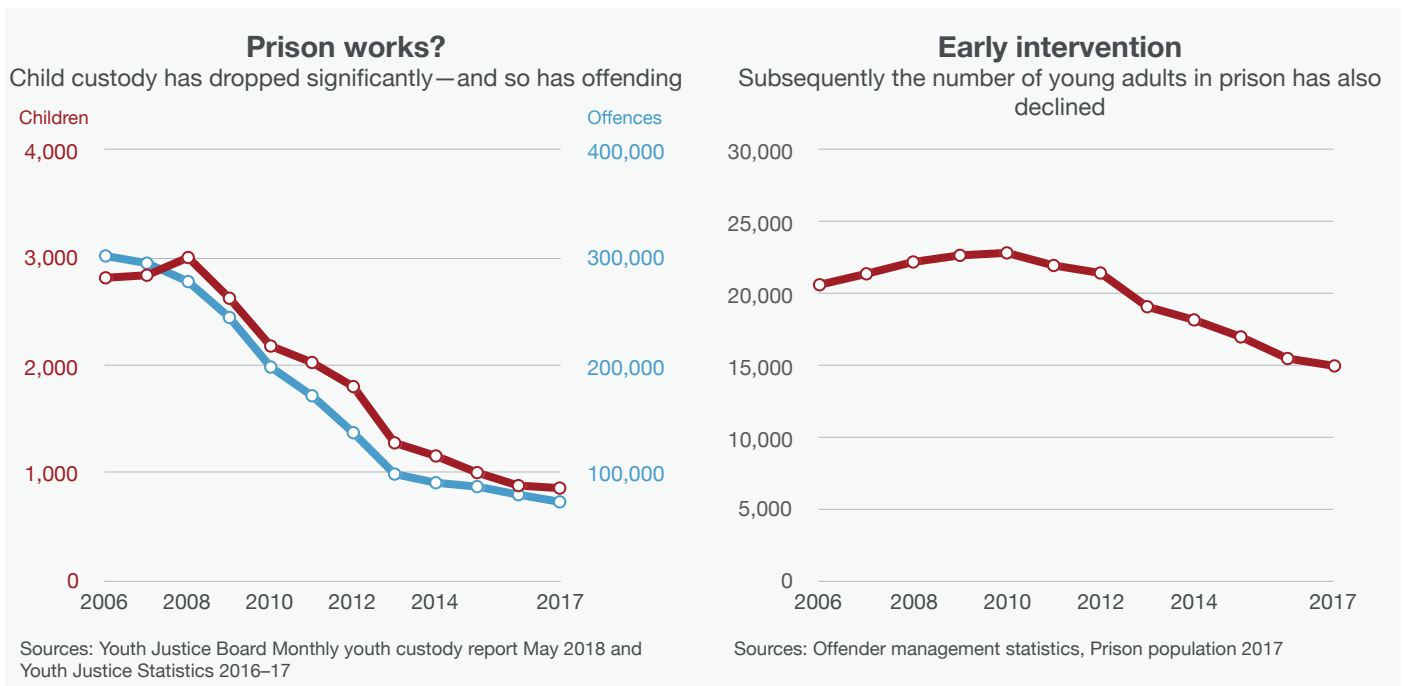
96 Table 1 and 6, Youth Justice Board (2018) Monthly youth custody report—May 2018, London: Youth Justice Board

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

98 Table 8.3, Ministry of Justice (2018) Youth Justice Statistics 2016–17, London: Ministry of Justice and Youth justice statistics 2014 to 2015

99 Ibid.

100 House of Commons written question 130254, 7 March 2018



14,077 young adults (aged 18–24) are currently in prison in England and Wales—they account for 17% of the total prison population.¹⁰¹

There are now over a third fewer young adults in prison in England and Wales than in 2011.¹⁰²

Despite this welcome reduction, the prisons inspectorate has cautioned that those who remain in custody are “some of the most vulnerable, troubled young adults”.¹⁰³

Mental health

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.¹⁰⁴

25% of women and 15% of men in prison reported symptoms indicative of psychosis.¹⁰⁵ The rate among the general public is about 4%.¹⁰⁶

Self-inflicted deaths are 5.1 times more likely in prison than in the general population.¹⁰⁷

70% of people who died from self-inflicted means whilst in prison had already been identified with mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.¹⁰⁸

The PPO’s investigation found that nearly one in five of those diagnosed with a mental health problem received no care from a mental health professional in prison.¹⁰⁹

980 people were transferred from prison to a secure hospital in 2016. Nearly a third of these transfers (32%) took more than 14 days, the Department of Health’s expectation.¹¹⁰

Reoffending rates are lower for people given a community sentence with a mental health treatment requirement. Rates were 3.5 and 5 percentage points lower respectively for people on a community order or a suspended order, than those without.¹¹¹

However, less than one per cent of community sentences given in 2016 included a mental health treatment requirement—this has remained unchanged for the last six years.¹¹²

¹⁰¹ Table 1.3, Ministry of Justice (2018) Offender management statistics quarterly: October to December 2017, London: Ministry of Justice

¹⁰² Ibid. and Table A1.7, Ministry of Justice (2017) Offender management statistics: Prison population 2017, London: Ministry of Justice

¹⁰³ HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office

¹⁰⁴ Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

¹⁰⁵ Ibid.

¹⁰⁶ Wiles, N., et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519-526

¹⁰⁷ Ministry of Justice (2018) Safety in custody: quarterly update to September 2017, London: Ministry of Justice

¹⁰⁸ Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

¹⁰⁹ Ibid.

¹¹⁰ Table 7, Ministry of Justice (2018) Offender management statistics: Restricted patients 2017, London: Ministry of Justice and House of Lords written question HL2096, 27 October 2017

¹¹¹ 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

¹¹² House of Commons written question 129485, 5 March 2018

Rehabilitation and resettlement

Reoffending

Prison has a poor record for reducing reoffending—nearly half of adults (48%) are reconvicted within one year of release. For those serving sentences of less than 12 months this increases to 64%.¹¹³

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences.¹¹⁴

Six in 10 children (59%) sent to prison are reconvicted within a year of release—this rises to 68% for those serving sentences of less than six months.¹¹⁵

Short prison sentences are less effective than community sentences at reducing reoffending. People serving prison sentences of less than 12 months had a reoffending rate seven percentage points higher than similar offenders serving a community sentence—they also committed more crimes.¹¹⁶

Community sentences are particularly effective for people who have a large number of previous offences. For those with more than 50 previous offences, the odds of reoffending are more than a third higher (36%) when a short prison sentence is used rather than a community sentence.¹¹⁷

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.¹¹⁸

Just two in five prisons (43%) received a positive rating from inspectors in 2017–18 for purposeful activity work—down from the already low base of half of prisons inspected the year before.¹¹⁹

An average of 9,400 prisoners are working in the public prison estate, and a further 1,800 are working in private prisons. They worked for a total of 16 million hours in 2016–17.¹²⁰

Inspectors found that in too many prisons, work remains mundane, repetitive and is rarely linked to resettlement objectives. The skills that people had developed whilst in prison often went unrecorded and so failed to help their employment prospects on release.¹²¹

People who attend vocational training in prison are more likely to secure employment shortly after release¹²²—a view endorsed by Ofsted.¹²³

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

There were just 17 failures as a result of alleged further offending out of nearly 333,000 instances of ROTL in 2016.¹²⁴

During 2016–17, there were a total of 1,675 people, on average only 368 per month, working out of prison on licence.¹²⁵

113 Tables C1a and C2a, Ministry of Justice (2018) Proven reoffending statistics: April 2016 to June 2016, London: Ministry of Justice

114 Table 6.07, 6.09 and 6.10, Ministry of Justice (2016) Women and the criminal Justice system 2015, London: Ministry of Justice

115 Table C1b and C2b, Ministry of Justice (2018) Proven reoffending statistics: April 2016 to June 2016, London: Ministry of Justice

116 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

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

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

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

120 Table 4.1 and 4.2, Ministry of Justice (2017) Annual National Offender Management Service digest: 2016 to 2017, London: Ministry of Justice

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

122 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

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

124 House of Lords written question HL2314, 6 November 2017

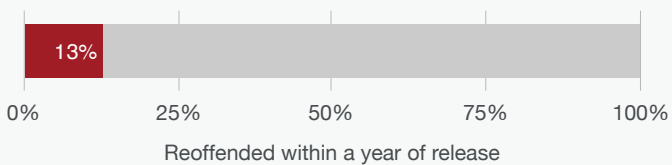
125 Table 5.1 and 5.2, Ministry of Justice (2017) Annual National Offender Management Service digest: 2016 to 2017, London: Ministry of Justice

In

99.91%

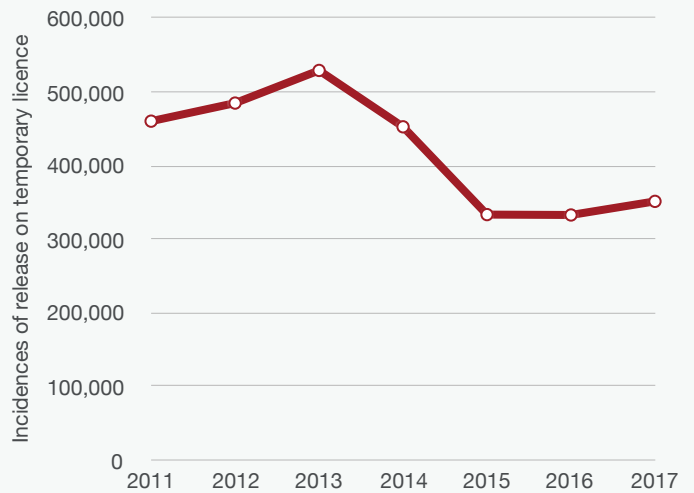
of cases ROTL is completed successfully.

People given ROTL within 6 months of release have lower rates of reoffending



Source: Offender management statistics and Hillier, J., and Mews, A. (2018) The reoffending impact of increased release of prisoners on Temporary Licence

Despite this, restrictions on the use of ROTL have seen its use **drop by a third in the last four years**



The overall quality of teaching and learning in prisons in England has declined. Just two-fifths (42%) of prisons were rated as 'good' or better by inspectors in 2017–18, down from half the year before.¹²⁶

Over half (54%) of people entering prison were assessed as having literacy skills expected of an 11 year old¹²⁷—over three times higher than in the general adult population (15%).¹²⁸

Engagement with education can significantly reduce reoffending. The proven one year re-offending rate is 34% for prisoner learners compared to 43% for people who don't engage in any form of learning activity.¹²⁹

The Ministry of Justice found that one year reoffending rates were a quarter lower (six to eight percentage points) for people who received support from Prisoners' Education Trust for educational courses or learning materials compared to those in a matched group who did not.¹³⁰

Changes to the Offender Learning and Skills Service (OLASS) contract in 2016–17 now allow greater flexibility to fund opportunities, such as arts, and informal learning to allow people to engage and progress during their sentence.¹³¹

However, there have been declines in the number of people participating in learning whilst in prison, and in achieving qualifications in recent years.¹³²

88,900 adults in the prison system participated in education in the 2016–17 academic year—a drop of six per cent in the last year.¹³³

There have been similar declines in the number of people achieving qualifications overall and Level 2 (GCSE equivalent) qualifications—falling 5% and 7% respectively.¹³⁴

The number of English and maths qualifications achieved at level 1 or 2 (GCSE equivalent) has plummeted—numbers fell by 46% in English and 43% in maths between the 2011–12 and 2016–17 academic years.¹³⁵

Just 100 people achieved a level 3 qualification (AS and A Level equivalent) in the 2016–17 academic year via mainstream prison learning—less than a tenth of the number in 2011–12.¹³⁶

¹²⁶ HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: HM Stationery Office
¹²⁷ Skills Funding Agency (2017) OLASS English and maths assessments: participation 2016/17, London: SFA
¹²⁸ 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
¹²⁹ 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
¹³⁰ Ministry of Justice (2015) Justice Data Lab Re-offending Analysis: Prisoners' Education Trust, London: Ministry of Justice
¹³¹ Prisoners' Education Trust website, 'OLASS shakeup: a quiet victory for the PLA', accessed on 1 June 2018, available at <http://www.prisonerseducation.org.uk/news/olass-shakeup-a-quiet-victory-for-the-pla>
¹³² Tables 10.1 and 10.2, Skills Funding Agency (2017) Further education and skills: November 2017, London: SFA
¹³³ Table 10.1, Ibid.
¹³⁴ Table 10.2, Ibid.
¹³⁵ Department for Education (2017) FE data library—OLASS: participation and achievement by equality and diversity & English and maths level: 2010/11 to 2016/17, London: DFE
¹³⁶ Ibid.

Resettlement

Nearly everyone in prison will be released at some point. 71,495 people were released in 2017.¹³⁷

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 one in four people (27%) people released from prison in 2014–15 had a job to go to.¹³⁸

Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.¹³⁹

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.¹⁴⁰ Of these, two in five (41%) have subsequently gone back to Jobcentre Plus.¹⁴¹

However, more than 90 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.¹⁴²

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

One in 10 people (11%) released from custody in 2014–15 had no settled accommodation.¹⁴³

Inspectors have said that the figures are “misleading” as “they do not take into account the suitability or sustainability of the accommodation.”¹⁴⁴

The Homelessness Reduction Act 2017 means that prisons and probation providers will be subject to a new duty to refer people who might be at risk of becoming homeless to the local housing authority.¹⁴⁵

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.¹⁴⁶

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.¹⁴⁷

¹³⁷ Table A3.1, Ministry of Justice (2018) Offender management statistics: Prison releases 2017, London: Ministry of Justice

¹³⁸ Table 8, Ministry of Justice (2015) National Offender Management Service annual report 2014/15: Management Information Addendum, London: Ministry of Justice

¹³⁹ YouGov and Department for Work and Pensions (2016) Survey Results, Fieldwork 26 June–14 December, London: YouGov, available at <http://bit.ly/YouGovDWP>

¹⁴⁰ Table 2.8, Department for Work and Pensions (2018) Work programme official statistics to December 2017, London: DWP

¹⁴¹ Department for Work and Pensions, Stat-Xplore website, accessed on 1 June 2018, available at <https://stat-xplore.dwp.gov.uk/>

¹⁴² Business in the Community website, accessed on 1 June 2018, available at <https://www.bitc.org.uk/programmes/ban-box/why-should-we-ban-box>

¹⁴³ Table 10, Ministry of Justice (2015) NOMS Annual Report 2014/15: Management Information Addendum, London: Ministry of Justice

¹⁴⁴ Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HMIP

¹⁴⁵ House of Commons written question 7749, 12 September 2017

¹⁴⁶ Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

¹⁴⁷ Bath, C., and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

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The Prison Reform Trust is grateful to the Bromley Trust for kindly supporting the production of this briefing and the more detailed Bromley Briefings Prison Factfile. Next edition due Autumn 2018.

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