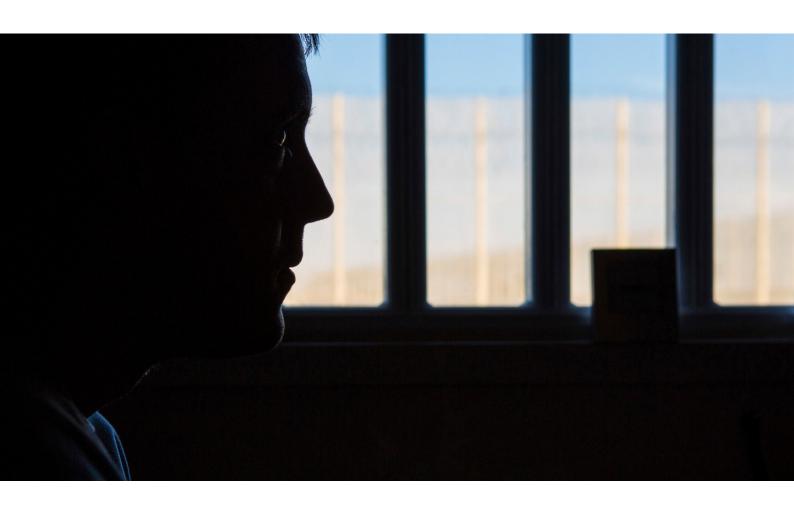


# **Prison: the facts**

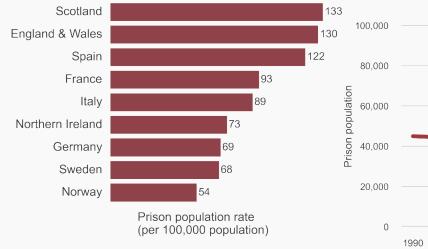
**Bromley Briefings Summer 2021** 

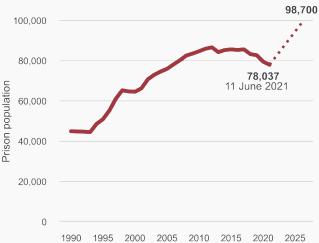


Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They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

# Sentencing and the use of custody

Scotland and England and Wales have the highest imprisonment rates in western Europe. The prison population has risen by 74% in the last 30 years—and it is currently projected to rise by a further 20,000 people by 2026.1





Source: Offender management statistics, Prison population 2020 and Population and capacity briefing for 11 June 2021 and Prison population projections 2020 to 2026

Yet there is no link between the prison population and levels of crime according to the National Audit Office.<sup>2</sup> International comparisons also show there is no consistent link between the two.<sup>3</sup>



In England and Wales, we overuse prison for petty and persistent crime.4

Over

people were sent to prison to serve a sentence in 2020

The majority had committed a non-violent offence

Almost half were sentenced to serve six months or less

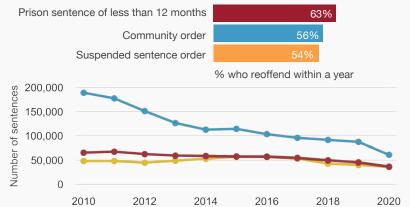
Short prison sentences are less effective than community sentences at reducing reoffending.5

Source: World Prison Brief, Institute for Crime & Justice

Policy Research, 24 May 2021

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.6 Yet, their use is a third of the level of a decade ago.

Suspended sentences account for just 4% of all sentences.7



Ministry of Justice (2020) Prison Population Projections: 2020 to 2026. London: Ministry of Justice

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

7 Table Q5.1b and Q5.4, Ministry of Justice (2021) Criminal justice statistics quarterly December 2020, London: Ministry of Justice

<sup>2</sup> National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office
3 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/2015001-eng.htm

Table A2.7 and A2.9i, Ministry of Justice (2021) Offender management statistics: Prison receptions 2020, London: Ministry of Justice

<sup>6</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

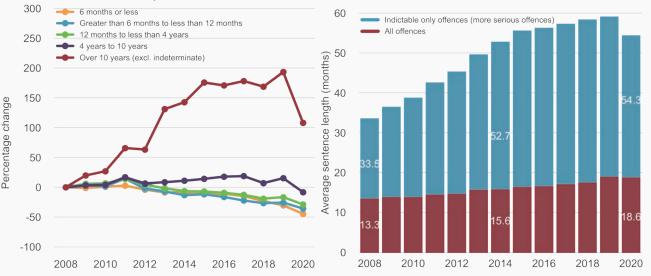
Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime. Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.8



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

Almost three times as many were sentenced to 10 years or more in 2019 than in 2008. Prosecutions in 2020 have declined due to court closures and the pandemic.9

For more serious, indictable offences, the average prison sentence is now 54.3 months—almost two years longer than in 2008.10



Source: Criminal justice statistics quarterly December 2020

Source: Criminal justice statistics quarterly December 2020 and previous editions

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 2001.11

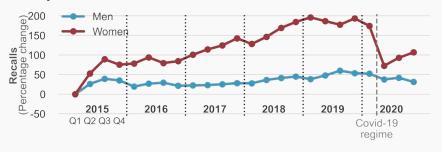
This is set to rapidly increase as judges are imposing substantially longer tariff periods. 12 The average minimum term imposed for murder rose from 12.5 years in 2003 to 20 years in 2020.<sup>13</sup>

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

Nearly half of adults (48%) are reconvicted of another offence within one year of release.<sup>14</sup>

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>15</sup>

As a result, the number of people recalled back to custody particularly has increased, amongst women. 8,055 people serving a sentence of less than 12 months were recalled to prison in the year to December 2020.16



<sup>8</sup> Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century. London: Crest Advisory

<sup>9</sup> Table Q5.4, Ministry of Justice (2021) Criminal justice statistics quarterly December 2020, London: Ministry of Justice 10 Table Q5.1b, Ibid.

<sup>11</sup> Table A3.3, Ministry of Justice (2021) Offender management statistics: Prison releases 2020, London: Ministry of Justice and Table A3.5, Ministry of Justice (2021) Offender management statistics: Annual prison population 2010, London: Ministry of Justice

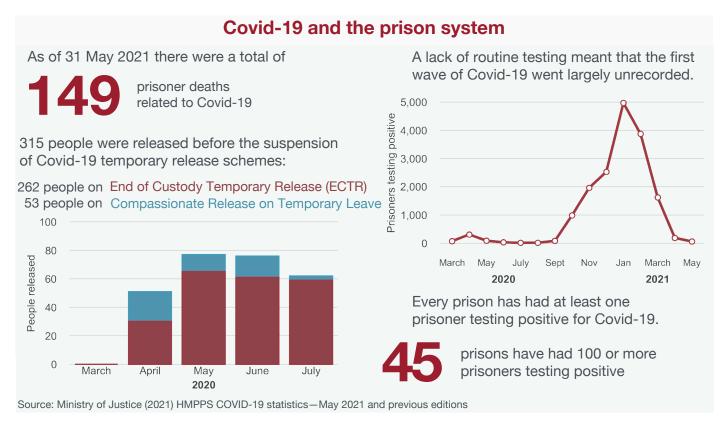
<sup>12</sup> Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

<sup>13</sup> Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL466, 8 June 2021

<sup>14</sup> Table Č1a, Ministry of Justice (2021) Proven reoffending statistics quarterly: January to March 2018, London: Ministry of Justice

<sup>15</sup> Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

<sup>16</sup> Table 5.2, Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice



The Covid-19 pandemic has created major disruption in the normal running of the prison system. This has led to urgent changes to prison regimes in order to prevent transmission and protect health.

On 24 March 2020 prisons moved to an Exceptional Regime Management Plan. This saw most activities. including prison education, non-essential employment and family visits, stop with immediate effect. 17 Almost all purposeful activity was suspended, including work, training and education.<sup>18</sup>

Since mid-March 2020 almost all people in prison in the UK have spent 23 hours or more out of every day locked in a cell, typically around 3m by 2m in size. Two-thirds of them have been in conditions that amount to solitary confinement, the other third are sharing a cell.<sup>19</sup>

Evidence from inspectors and our own research suggests that people in prison accepted restrictions as necessary and proportionate. However, as days of confinement and isolation have turned into months, there has been mounting frustration that prisons have not loosened restrictions in parallel with the outside community.<sup>20</sup>

According to the government's SAGE advisors, people in prison have much higher rates of hospitalisation and mortality than people in the community. Prisons are also highly prone to large scale outbreaks despite intensive control measures including confinement to cells of 23 hours a day. Despite this, people in prison have not been prioritised for vaccination.<sup>21</sup>

As of 31 May 2021 16,865 people in prison have tested positive for Covid-19.22

The majority of prisons have had outbreaks involving over 50 people during the second wave of the pandemic.<sup>23</sup> 45 prisons have had outbreaks involving 100 or more people, and every prison has had at least one prisoner test positive for Covid-19.24

# Time out of cell

Inspectors found all people in prison confined to their cell for 23 hours or more a day following the introduction of regime restrictions. Most people in local and high security prisons were allowed 30 minutes a day to shower and exercise.25

- 17 Prison Reform Trust (2020) Project CAPPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust
- 18 Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1 Family and communications, London: Prison Reform Trust and
- HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office 19 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and
- HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office
  20 Ibid, and Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust and
- HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office Scientific Advisory Group for Emergencies (2021) EMG Transmission Group: COVID-19 transmission in prison settings, 25 March 2021, London: HM Stationery Office
- 22 Ministry of Justice (2021) HM Prison and Probation Service COVID-19 statistics: May 2021, London: Ministry of Justice 23 Scientific Advisory Group for Emergencies (2021) EMG Transmission Group: COVID-19 transmission in prison settings, 25 March 2021, London: HM Stationery Office
- 24 Ministry of Justice (2021) HM Prison and Probation Service COVID-19 statistics: May 2021, London: Ministry of Justice 25 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

Despite the record level of self-harm in the prisons estate in 2019 and months of enforced isolation, inspectors found that mental health service provisions were reduced under the new regime.<sup>26</sup>

In women's prisons inspectors found that the sudden significant withdrawal of structured support had had an impact on the most vulnerable, and that access to mental health support was mainly via telephone.<sup>27</sup> In 2020 levels of self-harm in women's prisons reached the highest level since available records began.<sup>28</sup>

#### **Pandemic conditions**

People in prison are less able to enforce social distancing and take appropriate measures to protect their own health. Whilst many people were positive about staff attitudes during the crisis, there were concerns that staff did not always appear to observe social distancing, wear masks, or take precautions to protect health.29

Many people report having no meaningful activity to keep themselves occupied during the pandemic. Rehabilitative work has almost completely stopped, and there is limited access to the library, workshops and exercise.<sup>30</sup>

The very different conditions in prisons under the pandemic appear to have had an impact on recorded self-harm and violence in the male estate. In the 12 months to December 2020 recorded assaults decreased by more than a third (35%) compared with the previous year, and the rate of recorded self-harm decreased by 16%.31

All prisons have made efforts to engage prisoners with in-cell pastimes, physical activity, social contact, education, work and opportunities for peer support. Inspectors observed a high number of distraction packs handed out to people experiencing mental health difficulties. Some people were frustrated that these offered little for people with higher qualifications.<sup>32</sup>

#### **Families and communications**

On 31 March 2020, following the suspension of face-to-face visits, the government announced that it had provided 900 mobile handsets to "all prisons that do not currently have in-cell telephony".33

The government estimated that "around 60% of cells" had in-cell telephones at the time. Our own research, found that on 11 March 2020, 52 of 121 prisons (43%) did not have in-cell phones, and six other prisons at that time were in the process of installing them.<sup>34</sup> As of 5 April 2021 the government reports that 66% of prison cells have in-cell phones.<sup>35</sup>

A temporary emergency video calling service was announced on 31 March 2020 to maintain family contact. As of June 2020, 21 prisons were providing video calls for people in prison, and by 18 January 2021 the government announced that all prisons are equipped with at least one facility to make video calls.36

# Release and resettlement

The suspension of almost all Release on Temporary Licence, reduced contact with family and severely limited opportunities for employment, mean that people leaving prison during the pandemic have little opportunity to prepare for release, and face even bigger challenges than normal to rebuilding their lives.

£8.5m has been set aside by the government to support people at risk of homelessness on their release from prison and help them to move into permanent accommodation. The scheme initially ran between 18 May and 31 August 2020 and provided up to 56 nights' accommodation per person. On 22 October 2020 the government reinstated the program and will be reviewing it on a monthly basis.<sup>37</sup> 26 Ibid.

- 27 Ibid.
   28 Table 2.1, Ministry of Justice (2021) Safety in custody quarterly update to December 2020, London: Ministry of Justice
- 29 HM Chief Inspector of Prisons (2020) Annual report 2019-20, London: HM Stationery Office
- 31 Tables 2.1 and 3.1, Ministry of Justice (2021) Safety in custody statistics quarterly update to December 2020, London: Ministry of Justice 32 Prison Reform Trust (2020) Project CAPPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust
- 33 Government website, https://www.gov.uk/government/news/prison-visits-cancelled, accessed on 14 June 2021 and Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust 34 Ibid.
- 35 House of Commons written question 179675, 15 April 2021
- 36 House of Commons written question 104726, 16 October 2020 and
- Government website, https://www.gov.uk/government/news/secure-video-calls-help-all-prisoners-maintain-essential-family-ties-during-pandemic, accessed on 14 June 2021
- 37 House of Commons written question 111464, 4 November 2020

# Safety in prisons

Safety in prisons has deteriorated rapidly during the last eight years. However, the pandemic and associated regime has muddled the picture. In the last year recorded assaults have fallen; recorded self-harm has decreased slightly but remains close to historically high levels; and deaths have increased substantially.

Around a fifth were self-inflicted

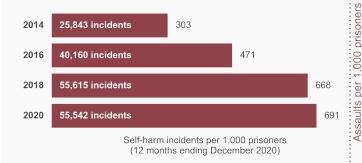
People died in prison in the year to March 2021

Around a fifth of which 77 were men and 2 were women

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

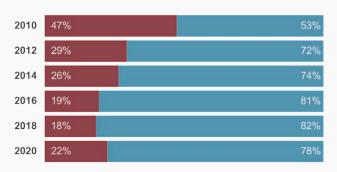
#### Self-harm

Recorded rates of self-harm remain close to record levels



**Women** account for a disproportionate number of self-harm incidents in prison—despite making up only 4% of the total prison population.

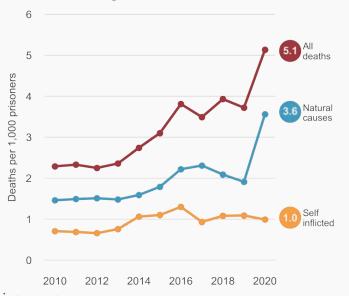
But in recent years there has been a significant rise in self-harm incidents by men.



Proportion of all self-harm incidents

Source: Safety in custody statistics quarterly update to December 2020

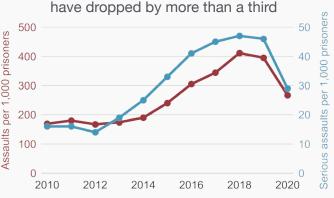
Rates of death in prison continue to rise after a brief decline. Due to the pandemic, last year recorded the highest number of deaths on record



#### **Assaults**

2014

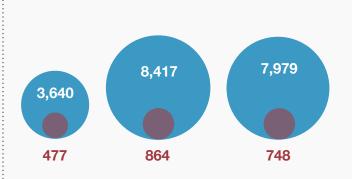
The recorded rates of assault and serious assault



Assaults on staff have reduced but remain close to historically high levels

2017

2020



Serious assaults on staff have dropped by a quarter over the previous year

There was one homicide in prison in the year to March 2021 and a total of 15 in the past five years.<sup>38</sup>

Recorded sexual assaults in prison in 2020 decreased by more than a third compared to the previous year. There were 256 recorded assaults in 2020 down from 389 in 2019.<sup>39</sup>

As of 31 May 2021, 149 people in prison have died having tested positive to Covid-19 within 28 days of death or where there was a clinical assessment COVID-19 was a contributory factor in their death.<sup>40</sup>

# Prison service resources and staffing

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010-11 and 2014-15 its budget reduced by around 20%, and despite increases its resource budget remains 13% lower in real terms than in 2010–11.41

The government projects that the prison population will rise by more than 20,000 people from its current level in the next five years—placing further pressure on places.<sup>42</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>43</sup>

Building work to create 1,680 new prison places finally began at HMP Five Wells, Wellingborough in September 2019.44 Planning permission has also been granted for another 1,680-place prison in Glen Parva, Leicestershire. 45 The prisons are now due to open in 2022 and 2023, respectively. 46

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 HMPs Stocken, Five Wells and Glen Parva. 47

Since then, the government has made a further announcement to increase prison building, with a commitment of £4bn to build a total of 18,000 prison places. This includes the 10,000 places already announced as well as the construction of HMPs Five Wells and Glen Parva. The remaining places will be met by the construction of four new prisons; the expansion of a further four prisons; and refurbishment of the existing prison estate.48

The cost of a prison place reduced by 15% in real terms between 2009–10 and 2019–20. The average annual overall cost of a prison place in England and Wales is now £44,640.49

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.50

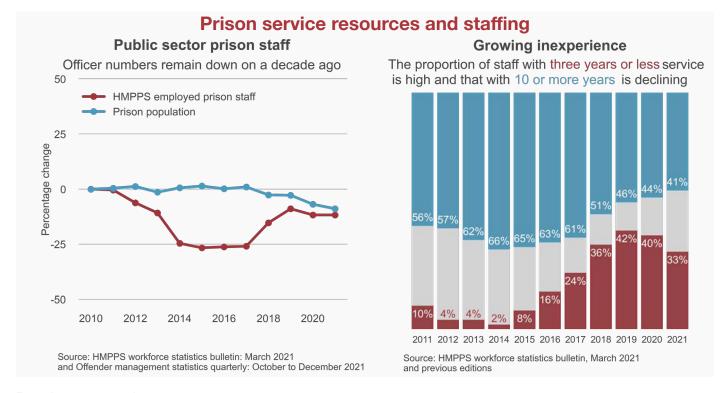
The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018.51 This target was achieved, but there are still 2,904 (12%) fewer staff than there were in 2010.52

Staff retention remains a problem—most officers (52%) who left the service last year had been in the role for less than three years.53

Staff experience has declined as a consequence. A third (33%) of officers have been in their post for less than three years, up from around one in eight (13%) in 2010.54

Although officer numbers have recovered, the cumulative length of service of serving officers has declined by 26% since 2010.55

- 38 Table 2, Ministry of Justice (2021) Safety in custody quarterly update to December 2020, London: Ministry of Justice
- 40 Table 1, Ministry of Justice (2021) HM Prison and Probation Service COVID-19 Official Statistics: May 2021, London: Ministry of Justice
- 41 Ministry of Justice (2020) Ministry of Justice annual report and accounts 2019–20, London: Ministry of Justice and previous editions; HM Prison and Probation Service (2019) Annual report and accounts 2019–20, London: HMPPS; and HM Treasury (2021) GDP deflators at market prices, and money GDP March 2021 (Quarterly national accounts), London: HM Treasury 42 Ministry of Justice (2020) Prison population projections 2020 to 2026, England and Wales, London: Ministry of Justice
- 43 HM Treasury (2015) Spending review and autumn statement 2015, London: HM Stationery Office and House of Lords written question 10423. 1 December 2020 and House of Common Justice Committee (2018) Prison population 2022: planning for the future, Oral evidence session 26 June 2018, London: HM Stationery Office
- 44 The government website, accessed on 10 June 2021, available at https://www.gov.uk/government/news/building-work-starts-on-new-wellingborough-jail
- 45 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 46 House of Lords written question HL8630, 13 October 2020
- 47 lbid. and Ministry of Justice website, accessed on 17 May 2021, available at https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe 48 House of Commons written question 121212, 7 December 2020 and House of Lords written question HL10423, 1 December 2020
- 49 Table 1, Ministry of Justice (2020) Costs per prison place and cost per prisone stabilishment 2019 to 2020 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2021) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2020) GDP deflators at market prices,
- and money GDP September 2020 (Quarterly National Accounts), London: HM Treasury
  50 Table 3, Ministry of Justice (2021) HM Prison and Probation Service workforce statistics: March 2021, London: Ministry of Justice and previous editions
- 51 House of Lords written question HL1680, 18 October 2017
- 52 Ibid. 53 Table 13, Ibid
- 54 Table 4. Ibid.
- 55 House of Commons written question 175812, 13 April 2021



#### 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. 29,272 people were sent to prison before their trial in 2020—down by more than a quarter (28%) in five years.<sup>56</sup>

More than half (56%) of people entering prison on remand awaiting trial are accused of non-violent offences – 20% for drug offences, and 13% were for theft offences.<sup>57</sup>

People on remand currently make up more than one in seven people in prison (16%) – 12,262 people. The majority are awaiting trial (68%), whilst the rest await sentencing.<sup>58</sup>

Almost one in 10 people (9%) remanded into custody by magistrates' courts in 2020 were subsequently acquitted. A further 11% of people received a non-custodial sentence. In the Crown Court, the figures were 10% and 14%, respectively.<sup>59</sup>

Black men are 26%, and mixed ethnicity men 22% more likely to be remanded in custody at the Crown Court than white men. 60

Nearly three in 10 (28%) self-inflicted deaths in 2020 involved people held on remand—far higher than the proportion of the prison population they represent (16%).61

In response to the courts backlog, the government has introduced temporary legislation extending the time limit that a person can be remanded in custody before a Crown Court trial from 182 days to 238 days. 62 These extensions are due to expire on 28 June 2021.

On 30 June 2020 there were 11,388 people in prison on remand, an increase of a quarter (25%) compared to 30 June 2019. This is in spite of the increased danger to people in prison associated with the pandemic. 63

However, use of remand has been decreasing. The number of people in prison on remand has dropped by 13% since 2002.64

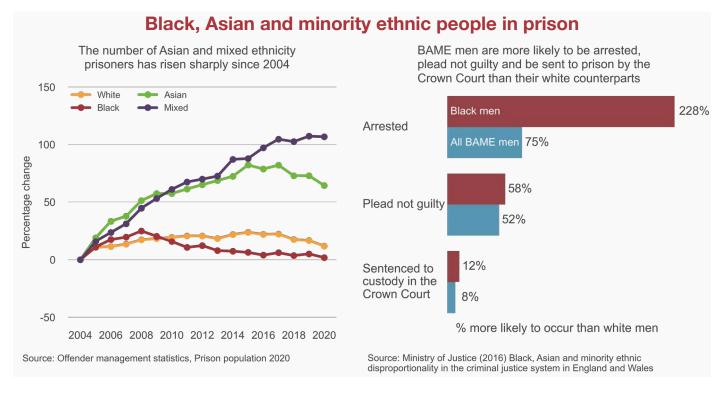
<sup>56</sup> Table A2.1i, Ministry of Justice (2021) Offender management statistics: Prison receptions 2020, London: Ministry of Justice Table A2.5i, Ibid.

<sup>58</sup> Table 1.1, Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice

<sup>59</sup> Table Q4.4, Ministry of Justice (2021) Criminal justice statistics quarterly December 2020, London: Ministry of Justice 60 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

<sup>61</sup> Table 1.11, Ministry of Justice (2021) Safety in custody statistics quarterly update to December 2020, London: Ministry of Justice

<sup>62</sup> Government website, https://www.gov.uk/government/news/suspected-criminals-held-for-longer-as-criminal-courts-recovery-plan-announced, accessed on 11 June 2021 63 Table A1.1, Ministry of Justice (2021) Offender management statistics, Prison population 2020, London: Ministry of Justice



Over a quarter (27%) of the prison population, 21,394 people, are from a minority ethnic group. The largest minority ethnic groups are Black or Black British (13%), followed by Asian or Asian British (8%), Mixed (5%) and other ethnic groups (1%).65

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.<sup>66</sup>

The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234 million a year.67

Research has found a clear direct association between ethnic group and the odds of receiving a custodial sentence. Black people are 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.<sup>68</sup>

The number of Muslim prisoners has more than doubled over the past 18 years. In 2002 there were 5,502 Muslims in prison, by 2020 this had risen to 13,199.69 They now account for 17% of the prison population but just 5% of the general population.70

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 37% are Asian, 29% are black, 19% are white and 10% are mixed.<sup>71</sup>

Only one per cent of Muslims in prison are currently there for Islamist terrorism-related offences.<sup>72</sup>

Muslims 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.<sup>73</sup>

5% of men and 7% of women 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.74

Only one in 100 prisoners who made an allegation of discrimination against prison staff had their case upheld by the prison. By contrast, three in four staff reports (76%) of alleged discrimination by a prisoner were upheld.75

70 Ibid. and Lammy, D. (2017) The Lammy Review, London: Ministry of Justice 71 House of Lords written question HL10577, 23 November 2020

<sup>65</sup> Table 1.4, Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Ministry of Justice (2021) Offender management statistics quarterly: October 1020, London: Octo Justice and Lammy, D. (2017) The Lammy Review, London: Ministry of Justice

<sup>67</sup> 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

<sup>68</sup> 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 (2021) Offender management statistics, Prison population 2020, London: Ministry of Justice

<sup>72</sup> Table P.01, Home Office (2020) Operation of police powers under the Terrorism Act 2000: quarterly update to December 2020 London: Home Office and Table 1.5, Ministry of Justice (2020) Offender Management Statistics quarterly: October to December 2018, London: Ministry of Justice

<sup>73</sup> Shalev, S. and Edgar, K. (2015) Deep custody: Segregation units and close supervision centres in England and Wales, London: Prison Reform Trust
74 HM Chief Inspector of Prisons (2020) Annual Report 2019–20, 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 75 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 almost triple the number there were 16 years ago.76

More than one in six people (17%) in prison are aged 50 or over—13,038 people. Of these, 3,281 are in their 60s and a further 1,638 people are 70 or older.<sup>77</sup>

The prison population is projected to grow by a quarter in the next five years.<sup>78</sup> The government anticipates the older population to increase at a similar rate to the population as a whole.<sup>79</sup>

44% of men in prison aged over 50 have been convicted of sex offences. The next highest offence category is violence against the person (25%) followed by drug offences (8%).80

315 people in prison were aged 80 or over as of 30 September 2020. 311 were men and four were women.81

#### Life and indeterminate sentences

Many people in prison don't know if, or when, they might be released. 10,676 people are currently in prison serving an indeterminate sentence-16% of the sentenced prison population, up from 9% in 1993.82

8,738 people are currently in prison serving an indeterminate sentence who have yet to be released. 6,954 people are serving a life sentence and a further 1,784 people are serving sentences of Imprisonment for Public Protection (IPP).83

Despite its abolition in 2012, almost all (96%) people still in prison serving an IPP sentence have passed their tariff expiry date—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.84

280 people are still in prison despite being given a tariff of less than two years—most of these (204 people) are still in prison over a decade after their original tariff expired.85

There are currently almost as many people being recalled back to prison as are being released. In the last 12 months 616 people serving an IPP on licence were recalled and returned to custody, whereas only 733 people were either released for the first time or re-released having been previously recalled.86

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

As of March 2021, there were 6,041 people serving EDS sentences—nearly one in 10 (9%) of the sentenced prison population. This figure is 4% higher than the previous year.<sup>87</sup>

**6,954** people are currently in prison serving a life sentence. One in six (17%) have a tariff of 10 years or less. half (50%) have more than 10 and up to and including 20 years, and three in 10 (31%) have over 20 years.88

England and Wales have more people serving life sentences than France, Germany, Italy, the Netherlands, Poland, Russia, Spain and Sweden combined—the highest in Europe by a significant margin.89

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

There are currently 60 people serving a whole life sentence—they are unlikely to ever be released.90

<sup>76</sup> Table A1.7, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

<sup>77</sup> Table 1.1, Ministry of Justice (2021) Offender management statistics quarterly, cotober to December 2020, London: Ministry of Justice 78 Table 4.1, Ministry of Justice (2020) Prison population projections 2020 to 2026, London: Ministry of Justice

<sup>79</sup> House of Commons Justice Committee (2020), Oral evidence: Aging prison population, HC304, Q87–176, 12 May 2020, London: HM Stationery Office. 80 House of Lords written question HL10578, 23 November 2020

<sup>81</sup> House of Lords written question HL10422, 17 November 2020

<sup>82</sup> Table 1.1 and 1.9a. Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justic

<sup>83</sup> Table 1.9a, Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice

<sup>84</sup> Ibid. 85 Table 1.9b, Ibid.

<sup>86</sup> Tables 3.1, 5.4 and 5.11, Ministry of Justice (2021) Offender management statistics quarterly: October to December 2020, London: Ministry of Justice 87 Table 1.1, Ibid

<sup>89</sup> Table 10, Aebi, M., et al. (2021) Council of Europe annual penal statistics, survey 2020, Strasbourg: Council of Europe

# Life and indeterminate sentences

# The legacy of the IPP

Nearly all are stuck in prison beyond tariff

People in prison serving an IPP yet to be released

1,784

96% have already served their tariff

1,705

Over half of those had a tariff of four years or less

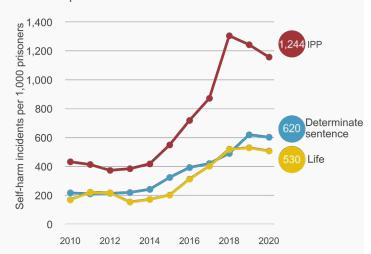
Less than 2 years
2 years

0 500 1,000 1,500 2,000

People

# Risk of harm?

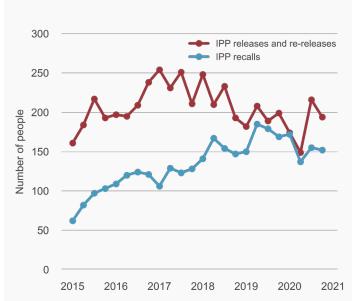
IPP prisoners are more vulnerable to self-harm



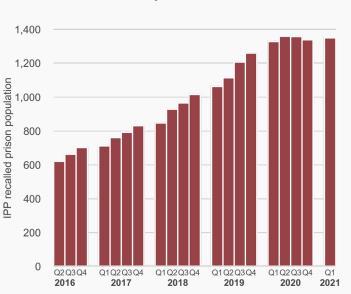
Source: Safety in custody statistics quarterly update to December 2020 and Offender management statistics, Prison population 2020

# Source: Offender management statistics quarterly: October to December 2020

# With fewer releases, and a rise in recalls...



# ...growing numbers are ending up back in prison.

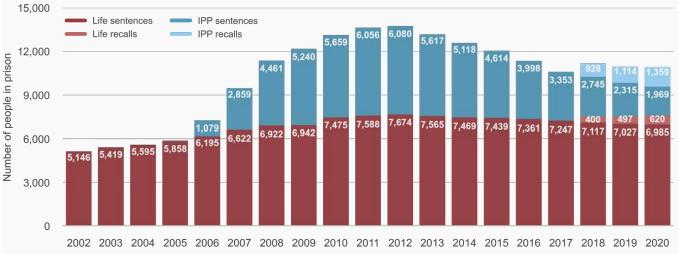


Source: Offender management statistics quarterly: October to December 2020

Source: Offender management statistics quarterly: October to December 2020

# The growth of indeterminate sentences

Use of indeterminate sentences has risen significantly—with recalls now driving up numbers again



Source: Source: Offender management statistics, Prison population 2020 and Offender management statistics quarterly: June to August 2020

### People with learning disabilities and difficulties

A third of people (34%) assessed in prison in 2017–18 reported that they had a learning disability or difficulty.91 This is consistent with previous research.92

7% of people in contact with the criminal justice system have a learning disability—this compares with only 2% of the general population.93

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".94

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. 95

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. 96

The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.97

The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.98

A total of 87,450 people used liaison and diversion services in 2018–19. One in five (20%) service users were women. Around one in seven (14%) had either an alcohol or substance abuse problem, and around one in three (34%) had both.99

#### Foreign nationals in prison

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

Foreign nationals (non-UK passport holders) currently make up 13% of the prison population in England and Wales. On 31 March 2021 there were 9,850 foreign nationals in prison. 100

Foreign national prisoners come from 169 countries—but over half are from eight countries (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Somalia, Pakistan). 101

A quarter of foreign nationals are in prison for drug offences (26%) or for violence against the person (24%). One in eight are in prison for sex offences (13%) or for miscellaneous crimes against society (12%).102

9% of women in prison are foreign nationals. 103 Some are known to have been coerced or trafficked into offending.<sup>104</sup>

More than 57,000 foreign national offenders have been removed from the UK since 2010. 2,864 of these were removed in 2020.105

# 941 people were still held in prison at the end of March 2021 under immigration powers, despite having completed their custodial sentence. 106

- 91 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
- 92 Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust
- 93 NHS England (2016) Strategic direction for health services in the justice system: 2016–2020, London: NHS England
  94 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 95 HM Chief Inspector of Prisons (2017) Annual Report 2016–17, London: HM Stationery Office
  96 Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust
- 97 Department of Health website, accessed on 14 June 2021, 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
- 98 House of Commons written question 249321, 11 November 2019
  99 Table 4.1e, Ministry of Justice (2020) Women and the Criminal Justice System 2019, London: Ministry of Justice

- 100 Table 1.7, Ministry of Justice (2021) Offender management statistics quarterly, October to December 2020, London: Ministry of Justice 101 Ibid.
- 102 House of Lords written question 10579, 7 December 2020 103 Table 1.7, Ministry of Justice (2021) Offender management statistics quarterly, October to December 2020, London: Ministry of Justice
- 104 Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge 105 Table Ret\_02, Home Office (2021) Immigration statistics, year ending March 2021, London: Home Office
- 106 Table FNO\_11, Home Office (2021) Immigration enforcement data: February 2021, London: Home Office

# Women in prison

Women make up only

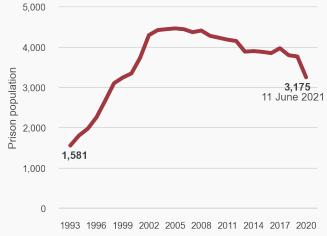
of the total prison population

In 2020

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

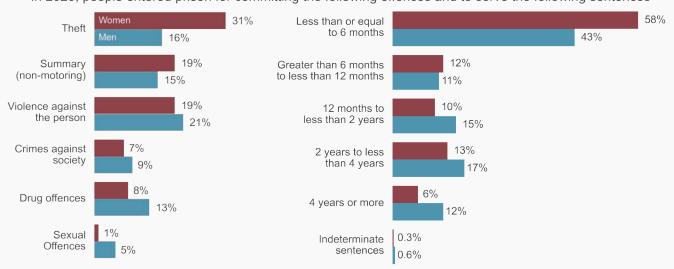
Source: Population and capacity briefing for 11 June 2021 and Offender management statistics: Prison receptions 2020

Despite a recent decline there are still twice as many women in prison today as there were 27 years ago.



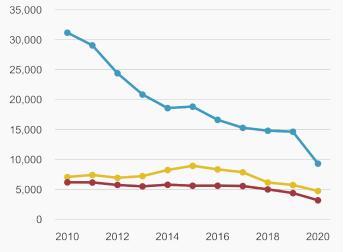
Source: Population and capacity briefing for 11 June 2021 and Offender management statistics: Prison population 2020

Women tend to commit less serious offences--many serve prison sentences of less than 12 months In 2020, people entered prison for committing the following offences and to serve the following sentences



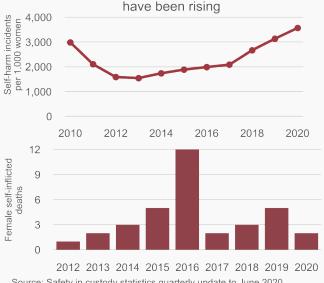
Source: Offender management statistics quarterly: October to December 2020

Community sentences for women have dropped by two-thirds in a decade. Use of suspended sentences has fluctuated, but only account for 3% of all sentences. Use of short prison sentences has declined by a half



Source: Criminal justice statistics quarterly December 2020, 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



Source: Safety in custody statistics quarterly update to June 2020

Many women remanded into custody don't go on to receive a custodial sentence—in 2019, 33% of women remanded by the magistrates' court and 40% by the Crown Court didn't receive a custodial sentence.<sup>107</sup>

Most women (72%) in 2020 who entered prison under sentence committed a non-violent offence.<sup>108</sup>

More women were sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, drugs, and motoring offences combined. 109

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 2020 it is more than half (58%).110

Seven in 10 women in prison (71%) reported that they had mental health issues compared with nearly half of men (47%).111

Rates of self-harm amongst women are at the highest level since available records began in **2004.** Women account for a disproportionate level of self-harm in prison—last year 22% of all self-harm incidents in prison were by women, despite making up only 4% of the total prison population. 112

More than a third of women (36%) left prison in the year to March 2021 without settled accommodation more than one in six (18%) were homeless and nearly one in 20 (4%) were sleeping rough on release. 113

# Children and young adults in prison

The number of children (under-18s) in custody has fallen by 83% since its peak in 2008.<sup>114</sup> They are also committing fewer crimes—with proven offences down by 82% over the same period. 115

At the end of March 2021 there were 515 children in custody—19 children were aged 14 or younger. 116

Almost three in 10 (29%) children in custody in 2019–20 were there for non-violent crimes.<sup>117</sup>

More than three in 10 (31%) children in custody are on remand. 118

A disproportionate number of children in custody come from a care background. Fewer than 1% of all children in England are in care, 119 but around two-fifths of children in secure training centres (44%) and more than half in young offender institutions (54%) have been in care. 120

The majority of 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 only 28% of the population.<sup>121</sup> One in five (22%) of children in custody self-report as Muslim and one in 10 (9%) as from a Traveller background. 122

More YOIs and STCs are judged to be unsafe than safe. Three out of six YOIs inspected in 2019–20 were considered to be "not sufficiently good" or "poor" for safety - a deterioration on the previous year. Of the two STCs inspected, one was considered "requiring improvement" and the other "inadequate". 123

Restraint of children in custody remains high, with an average of 623 restraint incidents a month. In the year to March 2020, there were 72 incidents of restraint per 100 children in custody, up from 18 in 2010.<sup>124</sup>

The number of incidents of self-harm by children in custody is increasing. In 2020 there were 24.2 incidents of self-harm for every 100 young people in custody each month, up from 9.8 five years ago. 125

```
107 Ministry of Justice (2020) Criminal justice system statistics quarterly: December 2019, London: Ministry of Justice
```

<sup>108</sup> Table 2.5b, Ministry of Justice (2021) Offender management statistics quarterly, October to December 2020, London: Ministry of Justice

<sup>110</sup> 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 (2021) Offender management statistics: Prison receptions 2020, London: Ministry of Justice
111 HM Chief Inspector of Prisons (2020) Annual Report 2019–20, London: The Stationery Office
112 Table 2.1, Ministry of Justice (2021) Safety in custody quarterly update to December 2020, London: Ministry of Justice

<sup>113</sup> Table 11, Ministry of Justice (2020) Community performance quarterly MI, update to March 2020, London: Ministry of Justice 114 Table 1, Ministry of Justice (2021) Monthly youth custody report—March 2021, London: Youth Justice Board 115 Table 4.1, Ministry of Justice (2021) Youth Justice Statistics 2019–20, London: Ministry of Justice. and previous editions

<sup>116</sup> Tables 1 and 9, Youth Justice Board (2021) Monthly youth custody report - March 2021, London: Youth Justice Board

<sup>117</sup> Table 7.6, Ministry of Justice (2021) Youth Justice Statistics 2019–20, London: Ministry of Justice

<sup>118</sup> Table 7.5, Ibid.

<sup>119</sup> Department for Education (2020) Children looked after in England including adoption; 2019 to 2020, London; DfE and

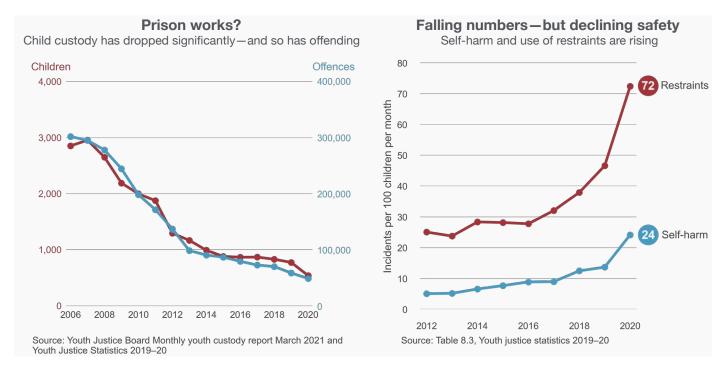
Table MYE1 – All, Office for National Statistics (2020) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2019, London: ONS 120 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

<sup>121</sup> Table 6, Youth Justice Board (2021) Monthly youth custody report – March 2021, London: Youth Justice Board 122 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

<sup>123</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>124</sup> Table 8.1, Ministry of Justice (2021) Youth Justice Statistics 2019-20, London: Ministry of Justice

<sup>125</sup> Tables 8.1 and 8.3, Ibid.



12,007 young adults (aged 18-24) are currently in prison in England and Wales—they account for 15% of the total prison population. 126

There are now almost half (46%) as many young adults in prison in England and Wales than in 2010.<sup>127</sup>

Young adults are disproportionately involved in violence in prison. Young adults were identified as the assailants in more than a third (35%) of assaults in prison in 2020. 128

#### Mental health

Seven in 10 women in prison (71%) reported that they had mental health issues compared with less than half of men (47%).129

A study of 469 male and female prisoners found that 42% 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>130</sup>

Although almost half (49%) of study participants reported having previous contact with mental health services either in prison or the community, only around a quarter of the sample reported current contact with prison mental health services. 131

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. 132

998 people were transferred from prison to a secure hospital in 2020.<sup>133</sup>

At a third of prisons inspected in 2019–20 officers had not undergone adequate mental health awareness training, despite repeated recommendations. 134

Reoffending rates are lower for people given a community sentence subject to a mental health treatment requirement. Rates were 3.5 and 5 percentage points lower, respectively, for people on a community order or a suspended order, than those without such a requirement. 135

<sup>126</sup> Table 1.3, Ministry of Justice (2021) Offender management statistics quarterly, October to December 2020, London: Ministry of Justice

<sup>127</sup> Table A1.7, Ministry of Justice (2017) Offender management statistics, Prison population 2020, London: Ministry of Justice

<sup>128</sup> Table 3.3, Ministry of Justice (2021) Safety in custody quarterly: update to December 2020, London: Ministry of Justice 129 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>130</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>131</sup> Ibid. 132 Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

<sup>133</sup> Table 7, Ministry of Justice (2021) Offender management statistics: Restricted patients 2020, London: Ministry of Justice 134 HM Chief Inspector of Prisons (2020) Annual Report 2019–20, London: The Stationery Office

<sup>135</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

#### Resettlement

Nearly everyone in prison will be released at some point. Last year 53,253 people were released. 136

Some people are entitled to receive a discharge grant to help them on release. The government has announced plans to increase it to £76 from £46, the first increase since 1995. 137 However, thousands of prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days. 138

### **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. The government has announced plans to reduce the amount of time it takes for a conviction to be spent. 139

Only 10% of people are in employment six weeks after leaving prison. After a year, the figure rises to just 17%. 140

However, more than 150 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>141</sup>

#### **Accommodation**

Only half (50%) of people released from prison between March 2019–20 had settled accommodation on release.<sup>142</sup> More than one in six (17%) were homeless or sleeping rough.<sup>143</sup>

A report on accommodation and support for adults leaving prison found that between February 2019–20, 65% of those without settled accommodation had reoffended compared with 44% of those with settled housing.144

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. Between April and June 2020, 1,670 people in England were referred under the scheme by probation services, and 790 people were referred by prisons. 145

In January 2021 the government announced £70 million of funding to support prison leavers seeking housing and employment. This includes a new accommodation service intended to provide up to 12 weeks of basic temporary accommodation for prison leavers who would otherwise be homeless, as well as 200 new spaces in Approved Premises, and specialist housing advisors to work in up to 20 prisons. 146

#### **Financial exclusion**

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. As part of the government's response to Covid-19, DWP have established a helpline specifically for prison leavers, who are issued with information about the line as part of their discharge pack on leaving prison.<sup>147</sup>

- 136 Table A3.1, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice
  137 NACRO website, accessed on 3 June 2021, available at https://www.nacro.org.uk/news/nacro-news/robert-bucklands-announcement-of-discharge-grant-increase-at-our-reducing-
- reoffending-event/
- 138 Hansard, 15 March 2004, Col. 143W and Prison Service Instruction 72/2011 Discharge, Annex B
  139 The government website, accessed on 3 June 2021, available at https://www.gov.uk/government/news/criminal-record-reform-to-support-ex-offenders-into-work
- Table 8, Ministry of Justice (2021) Community Performance Quarterly, update to March 2020, London: Ministry of Justice and Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice
   Business in the Community website, accessed on 10 June 2021, available at www.bitc.org.uk/banthebox
- 142 Ministry of Justice (2021) Community Performance Quarterly, update to March 2020, London: Ministry of Justice
- 143 Ibid.

  144 HMI Probation (2020) Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation, London: HMI Probation
- 145 House of Commons written question 7749, 12 September 2017, and Table A7, Ministry of Housing, communities and local government (2020) Statutory homelessness: Detailed local authority-level tables, London: MHCLG 146 The government website, accessed on 3 June 2021, available at https://www.gov.uk/government/news/70-million-to-keep-prison-leavers-off-the-streets-and-cut-crime and
- House of Commons written question 181358, 23 April 2021 147 Day, A. (2018) Huffington Post, "Universal Credit: Prisoners "Lured Back Into Crime" By Benefit Delays', available at https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays\_uk\_5be595aae4b0dbe871aa26f2 and House of Lords, written question HL10478, 18 November 2020

The Prison Reform Trust works to create a just, humane and effective penal system. To find out more and support our work visit www.prisonreformtrust.org.uk/supportourwork

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 Winter 2022. For more information about the Bromley Trust visit www.thebromleytrust.org.uk Cover image by AndyAitchison.uk

Prison Reform Trust, London EC1V 0JR 020 7251 5070 prt@prisonreformtrust.org.uk Registered in England, Charity No 1035525. Company Limited by Guarantee No 2906362