

THE FUTURE PRISON POPULATION 2022

Justice Select Committee Submission

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The Centre for Social Justice Criminal Justice Unit

Written Submission to the Justice Committee's Inquiry into Prison Population 2022: Planning for the Future

About the Centre for Social Justice

The Centre for Social Justice (CSJ) is an independent think-tank, established to put social justice at the heart of British politics. Moved by shocking levels of disadvantage across the nation, it studies the root causes of Britain's acute social problems in partnership with its Alliance of around 350 grassroots charities and people affected by poverty.

Who is in prison and who is expected to be imprisoned over the next 5 years?

We expect to see the prison population continue to comprise a mix of serious offenders, along with those who may be committing less serious offences on a persistent and prolific basis. We believe that prison serves an important and necessary role in society, but that there are significant opportunities to improve the effectiveness of prison and to, over time, reduce the prison population on a sustainable basis through more effective and earlier interventions that tackle the root causes of offending.

In the meanwhile, we anticipate that reductions to the policing budget will continue to impact on the quantity of offenders being brought to justice, particularly for less serious offences, with shoplifting and other low-value property offences being deprioritised by police. However, we also believe that the impact of the last five years, including reductions in stop and search and an estimated 16,000 additional crack and heroin addicts, will fuel a resurgence in more serious acquisitive crime – such as theft from motor vehicle and burglary. With reduced levels of proactive policing and the failure to develop serious and credible community sentences we anticipate such offenders being able to continue offending for longer periods, ultimately attracting lengthier sentences for their offending sprees.

Furthermore, in the young adult arena, we anticipate these factors will also contribute towards a further proliferation in drug dealing – where the greatest risk is no longer the police but other criminals – contributing to an increasingly violent culture in which, as we already see, weapons are routinely carried and used. We therefore foresee more young adults spending time in prison for carrying weapons and/or using such weapons in relation to serious violence, in turn attracting longer sentences.

On a more positive note, the Centre for Social Justice (CSJ) along with other organisations and individuals is actively promoting the potential for new approaches to female offenders, particularly those women on short-term sentences for non-violent offences. We believe that within five years, the adult female prison population could be reduced by between 25% and 50% if current and future Governments committed to piloting and rolling out opportunities for such new approaches. This is the subject of a forthcoming paper from the CSJ on women and prisons.

What is the current and projected make-up of the (sentenced and unsentenced) prison population in England and Wales up to 2022?

One key demographic change that has been taking place within the prison population and one that is expected to continue into the future and pose challenges is the growth in the elderly prisoner population. It is a subject on which Peter Clarke, HM Chief Inspector of Prisons, has remarked and called for action from government.¹ The CSJ has recently published recommendations that could go some of the way to relieving some pressures on the system through a system of early release for a subset of these offenders.²

Another notable development has been the growth of the prison population identifying as being Muslim. We anticipate this may continue – with large investigations into previously unprocessed recent and historic child sexual exploitation offences involving men from Pakistani and other backgrounds, among other factors, contributing towards such growth.

In addition, more generally, the growth in knife and gun crime can be expected to contribute towards more serious offences – woundings, GBHs, attempt murders and murders – taking place, resulting in more victims and more offenders receiving longer prison sentences. The apparent concentration of much of this crime in some of the poorest areas and among some of the poorest communities can be expected to further contribute towards disproportionate entry of BAME individuals into the criminal justice system and into prison, and for them to do so with longer sentences.

The levels of serious youth violence in cities, including London, are themselves fuelling and breeding more violence. This means those young people and young adults are more likely to be entering the criminal justice system either as a result of a serious offence, or for other offences, but with a history of otherwise undetected violence.

The culture among many offenders and among some communities to “not snitch” and to not co-operate with the police or other authorities makes it hard for police to deal with some of the violent offences taking place.

Technically non-violent offences, such as drug dealing, can often mask codes of behaviour that are violent in nature, further contributing to increasing violence within prison.

With the enormous pressures on housing and a pledge only to increase house building to an average of 300,000 new homes per year by the mid-2020s, there is a significant risk that prison populations may increase in response to the potential for increasing homelessness.

Being homeless and living on the street is an extremely challenging existence and one that leads many into drug and alcohol problems. These problems can contribute towards the need to commit large volumes of acquisitive crime to fund addictions, to disorderly and anti-social behaviour and to subsequent entry into the criminal justice system.

¹ ‘Old people’s homes with walls’ required for elderly prisoners, says watchdog, *Daily Telegraph*, 18 July 2017 [Accessed on 1 December 2017 via <http://www.telegraph.co.uk/news/2017/07/18/care-homes-walls-should-built-cater-increase-elderly-prisoners/>]

² *What Happened to the Rehabilitation Revolution?*, Centre for Social Justice, September 2017 [Accessed via <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2017/09/CSJJ5667-Rehab-Revolution-WEB.pdf> on 10 November 2017]

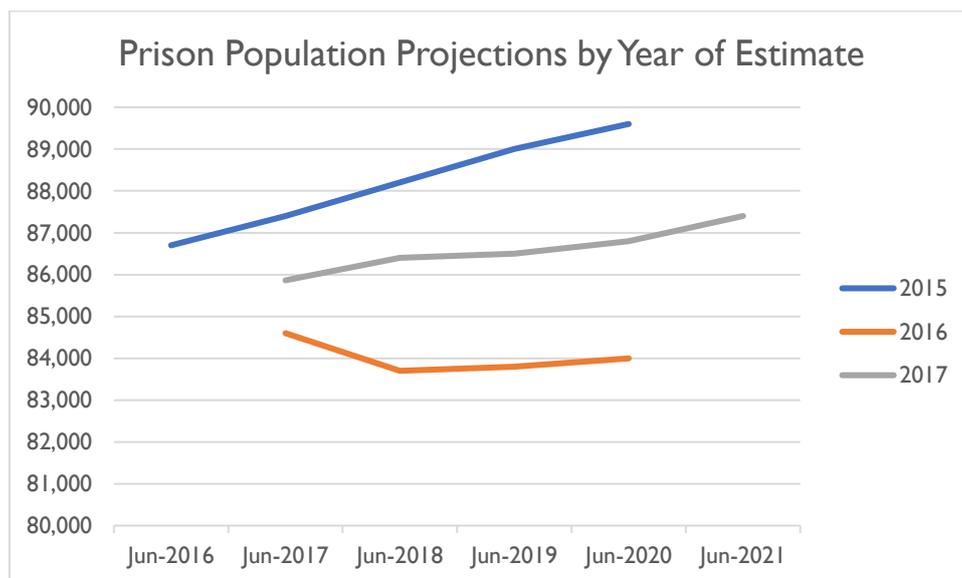
The failure of community sentences – and wider society and public services – to tackle the root causes of such criminality results in offenders continuing to commit offences and continuing to cycle through the system, before they ultimately receive a prison sentence.

The failure of community sentences to effectively tackle the causes of crime is one of the single biggest contributors to the growth in the prison population. Half of those sentenced to prison last year had more than 15 convictions – while a tenth had more than 45 previous convictions. Each of these convictions represent a failed opportunity for effective intervention to tackle the root causes of offending.

To what extent are these factors taken into account in prison population projections?

The Prison Population Projections published by the Ministry of Justice provides some detail on the methodology behind the current projections.³

The current projections are subject to significant uncertainty and projections vary considerably year-on-year with the last three projections for June 2020 ranging from 84,000 (2016) to 86,800 (2017) and 89,600 (2015).⁴ This amounts to a range of more than 5,000 places, representing the equivalent of having to build (or not build) three prisons on the scale of HMP Berwyn (capacity 2,100) at a cost of approximately £212 million each.



The CSJ believes in the potential value of devolution within the criminal justice system and encourages the brilliant work of organisations and charities that help reduce crime and empower ex-offenders and those at risk of offending into meaningful employment (see Tempus Novo in Leeds) and away from addiction to recovery (see Steps2Recovery in London).

These programmes, often operating in local communities and surviving on haphazard grants or similar, could benefit significantly from such devolution with the potential for Police and Crime Commissioners

³ *Prison Population Projections 2017-2021*, Ministry of Justice, August 2017 [Accessed on 1 December 2017 via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/639801/prison-population-projections-2017-2022.pdf]

⁴ *Prison Population Projections 2017-2021*, Ministry of Justice, August 2017 [Accessed on 1 December 2017 via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/639801/prison-population-projections-2017-2022.pdf] and equivalent publications for 2016-2021 and 2015-2020.

to recognise the value and impact of such organisations and with the incentives to fund and resource organisations sustainably.

Therefore, with a future vision for criminal justice involving greater devolution and local innovation and reform, centralised population projections from the Ministry of Justice may need to be re-worked to avoid becoming increasingly unreliable.

What is the Ministry of Justice's existing strategy for managing safely and effectively the prison population?

The MoJ's current strategy for managing safely and effectively the prison population is in need of a significant overhaul. The population strategy, as it relates to the most challenging prisoners, remains largely unchanged in decades. So-called 'Tornado Transfers' of the most disruptive and challenging individuals from a specific prison back to local prisons, may make life easier in their originating prison for a short period, but creates significant additional challenges within the local prison that receives them. The transfer alone does little to tackle the problematic behaviour that warranted their transfer.

There is also a need to recognise that prisons do contain vulnerable individuals and that when prisons are awash with drugs or where prisoners do not feel safe, the vulnerability to exploitation in all forms, including radicalisation, increases. The Government must therefore ensure there is an unrelenting effort to tackle extremism in our prisons – and to build on the work of Ian Acheson during 2015-16 when he examined the issues at the request of the then Justice Secretary, Rt Hon Michael Gove MP.⁵

The mixing of exploitative offenders with vulnerable offenders (for example a drug dealer with drug addicts) simply recreates, in concentrated form, the criminal marketplace that caused these individuals to be arrested, prosecuted, convicted and sentenced in the first place. The result is a large financial motive for the exploitative element to grow the demand and thereby undermining safety and rehabilitation.

The CSJ believes that the future prison population should be segmented along lines that reflect the vulnerabilities of those within prison, enabling steps to be taken to best safeguard individuals within the prison estate and to maximise both public protection, prisoner and staff safety and rehabilitation. Within a prison estate made up of smaller and more local units, the potential exists to transform the results and experience of prison; with the most dangerous and challenging offenders housed separately and their behaviour tackled.

What are the implications of the likely rise in the population for the resources required to manage prisons safely and effectively?

Government must ensure that the prison system is adequately resourced and this includes the technology and staff to enable safety and control to be maintained.

The CSJ has long argued that the Government must tackle the problem of drugs (including NPS) in our prisons, with our report *Drugs in Prison* (2015), highlighting that 1 in 10 prisoners were developing drug addictions within the prison estate.

⁵ *Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice*, Ministry of Justice, 22 August 2016 [Accessed on 1 December 2017 via <https://www.gov.uk/government/publications/islamist-extremism-in-prisons-probation-and-youth-justice/summary-of-the-main-findings-of-the-review-of-islamist-extremism-in-prisons-probation-and-youth-justice>]

While Government's adoption of a key CSJ recommendation regarding body scanners is welcome, the initial announcement is limited to piloting their use. The evidence-base on body scanners is clear and their success in reducing the flow of contraband, including drugs, into prisons via prisoners, staff and visitors has already been well documented. We would therefore like to see plans published for the roll-out of the scanners as part of a clear anti-drugs strategy for the prison estate.

The commitment to recruit 2,500 extra prison officers is welcome, though their relative inexperience may make them less productive in the short-run at restoring safety and control, especially in the absence of body scanners and a holistic anti-drugs strategy.

The recent announcement that prison officers will be issued handcuffs and Pava spray in pilots within the prison system reflect the realities faced by many prison officers and prisoners, in which violence and serious violence has become more common.⁶ The long-term repercussions of this announcement and the ultimate impact on prison safety is, as yet, unclear.

More broadly, the Government is right to invest in new-for-old prison capacity, with the goal of bringing down the cost per prison place through improved modern designs. The Government must also enable and empower prison governors to make use of new technology to help improve the productivity of the prison workforce and prisoners alike.

Modern tablet technology and the piloting of Wi-Fi technology within the prison estate in 2018 both promise to enable much more productive use to be made of the time that prison officers, staff and prisoners themselves spend in prison. Such technology promises to help free up officer time to the benefit of prison safety and rehabilitation. It also promises to help boost links with family members, a key plank of Lord Farmer's recent review.⁷

Finally, the Government must recognise the lessons from the 2010-2015 period, during which prison officer numbers were significantly reduced, just as new psychoactive substances (NPS) gripped and destabilised the prison system. The quality and quantity of prison officers must be taken seriously now and in the future, especially if the prison population were to rise further.

What impact does reducing reoffending by existing prisoners and those under the supervision of probation services have on the size and make-up of the prison population?

Reducing re-offending may help reduce the likelihood of individuals returning to prison, but it must be remembered that the size of the prison population is not purely driven by re-offending – it is also driven by new entrants. There is therefore a need to embed effective early intervention in police custody suites and to develop community sentences and courts that build on this practice.

There are evidence-based options for Government to consider, including the use of problem-solving courts that seek to help tackle drug addiction and alcoholism. The piloting of such courts within England and Wales would be welcomed and was recently called for in a paper written by Jonathan Aitken and retired Judge John Samuels QC – entitled *What Happened to the Rehabilitation*

⁶ *Press Release: Increased security measures to give prison officers right tools for the job*, Ministry of Justice, 22 October 2017 [Accessed on 1 December 2017 via <https://www.gov.uk/government/news/increased-security-measures-to-give-prison-officers-right-tools-for-the-job>]

⁷ *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime by Lord Farmer*, Ministry of Justice, August 2017 [Accessed on 1 December 2017 via https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf]

*Revolution?*⁸ Their recommendations included the use of problem-solving courts and judicial monitoring of sentences to improve outcomes, reduce the demand for prison places and to embed rehabilitation within the system.

This CSJ Conversation paper also examined the issue of recalls to prison and found that 21,559 people were recalled to prison in the 12 months ending December 2016. Many of those recalled will have been rightly recalled in relation to the risk of harm they pose to the public, but up to 55% may have been for minor reasons unconnected to any risk of harm.

The increased volume of recalls to prison can in part be attributed to the expansion of supervision to those individuals on shorter sentences. Anecdotally, evidence suggests that some reasonable proportion of these recalls may be due to poor communication or a lack of communication between offender manager and offender.

We would also repeat a point made in our submission in relation to the Government's Transforming Rehabilitation programme. In England and Wales, re-offending is a measure based on proven reconviction. While this measure may be of financial interest to the Ministry of Justice, it does not capture the positive outcomes that might be delivered by or sought from probation services. Proven reconviction fails to effectively account for any distance travelled in relation to criminogenic needs, while also being a measure affected by many variables outside of the control of CRCs.

Developing more effective measures of progress would help drive organisations to deliver better outcomes relating to the nine pathways for reducing re-offending, thereby reducing re-offending along with the unreported and undetected criminality otherwise generated by these known individuals.

The CSJ would also highlight the important role to be played by Police and Crime Commissioners along with local police forces and partner agencies to help prevent, reduce and detect crime. These upstream partners will be integral to ensuring earlier and more local interventions are made to, in the long term, help reduce the flow of individuals into the criminal justice system and ultimately into prison.

What is Her Majesty's Prison and Probation Service's current capacity to manage safely and effectively the prison population?

There are examples of individual prison governors and prison directors demonstrating real leadership and positive change at their individual prisons, to the benefit of prisoner, staff and public safety.

However, there are concerns that the centralised management of HMPPS acts as a significant brake upon the work of prison governors seeking to deliver real improvement locally. While some prison governors are able and willing to carry the personal risk that comes with asking forgiveness, rather than permission, we are concerned that we are, as yet, some ways from being in the position of having such leaders in the bulk of our prisons.

Finally, whatever the prison population in the years up to and beyond 2022, this and future governments must tackle the issue of drugs in prison. This will require the introduction of body scanners and the development of a holistic anti-drugs strategy (including demand reduction and recovery services). Tackling drugs is an essential precursor to a safe and effective prison system for

⁸ *What Happened to the Rehabilitation Revolution?*, Centre for Social Justice, September 2017 [Accessed via <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2017/09/CSJJ5667-Rehab-Revolution-WEB.pdf> on 10 November 2017]

staff, prisoners and the public alike. Beyond this, there remains huge scope to develop a more effective criminal justice system and to tackle the injustices that are so often a function of the poverty that the CSJ was setup to confront.

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