

**Written evidence from Dr Michael Teague, Senior Lecturer in Criminology at the University of Derby (PPP0012)**

**Introduction**

- I am a penologist and a Senior Lecturer in Criminology at the University of Derby. As a former Probation Officer, I have substantial practice experience of working with offenders.

**Executive Summary**

- The demographics of our prison population reflect the issues that our penal system must address if it is to be successful in lowering reoffending.
- The size of the prison population appears to be linked with sentencing behaviour. Prison sentences are getting longer.
- The current prison population projections appear to accurately reflect our current state of knowledge. Over the longer term, growth is likely in the determinate sentenced population.
- Safety is the cornerstone upon which rehabilitative intervention in prison is built. Urgent action to guarantee safety in prisons is required.
- The increasing incidence of self-harm raises continuing concerns.
- The use of community sentencing options should be prioritised.

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

1. As of 1<sup>st</sup> December 2017, the total prison population in England and Wales was 86,075 (made up of 82,002 male prisoners and 4,073 female prisoners).<sup>i</sup>
2. As of 30<sup>th</sup> September 2017, the sentenced prison population totalled 74,635 (87% of the overall prison population). The remand prison population comprised 9,902 prisoners (12% of the prison population) and the non-criminal prison population stood at 1,460 (2% of the prison population).<sup>ii</sup>
3. The occupancy level of our prison system was 112.9% (based on official capacity) on 29<sup>th</sup> September 2017.<sup>iii</sup>
4. Our current prison population rate is 146 people in prison per 100,000 of our general population.<sup>iv</sup>

5. Overall, the prison population has risen by over 90% in the last 17 years – an average annual increase of around 3.5%.<sup>v</sup>
6. The authoritative Lammy Review notes the disproportionate representation of Black, Asian and Minority Ethnic (BAME) men and women in our prisons. There are over 20,000 BAME prisoners, representing around one quarter of the overall prison population.<sup>vi</sup>
7. Foreign national prisoners represent 12% of the total prison population. We held 9,946 foreign nationals in custody and in HMPPS-operated Immigration Removal Centres on 30 September 2017 (comprising 1,672 people on remand, 6,900 people who were sentenced and 1,374 non-criminal individuals).<sup>vii</sup>
8. The demographics of our prison population reflect the issues that our penal and rehabilitative system must address if it is to achieve lower rates of reoffending.
9. In terms of the prison population's social configuration, it is drawn mainly, though not exclusively, from the more disadvantaged, deprived and marginalised sectors of our society.
10. A substantial number of prisoners do not possess the rudimentary social and life skills needed to negotiate a successful re-entry into society following their release.
11. There is evidence that problematic formative experiences may promote future offending.<sup>viii</sup> Furthermore, almost a quarter of prisoners have been in the care of the local authority at some point during their childhood.<sup>ix</sup>
12. Many prisoners had experienced abuse (29% of prisoners, according to the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners<sup>x</sup> published in 2012) or witnessed violence in the home (41% of prisoners) as a child. These prisoners had an increased likelihood of being reconvicted in the year after release.
13. In the SPCR study, 59% of prisoners had regularly played truant from school, 63% had been suspended or temporarily excluded, and 42% had been permanently excluded or expelled.<sup>xi</sup>
14. All of this raises the fundamental question of whether our prison system is the most appropriate setting in which to address problematic and dysfunctional personal, educational, social and mental health issues which may have played a part in offending behaviour. Despite the best efforts of committed staff, neither the required capacity nor all the necessary resources are available in a prison setting to fully support such individuals.

***What has led to the current size and make-up of the prison population?***

15. The National Audit Office<sup>xii</sup> has confirmed that there do not appear to be any consistent correlations between the number of people in prison and the levels of crime.
16. The international evidence suggests that, while there are countries where crime has indeed fallen as the size of the prison population has risen, there are also contrasting examples of countries where crime has risen as the prison population has risen.
17. Rather, the current size of the prison population appears to be linked with sentencing behaviour and practice.
18. Prison sentences are getting longer. The average custodial sentence length (ACSL) for indictable offences has increased from 15.3 months in March 2007 to 19.5 months in March 2017.<sup>xiii</sup> The ACSL for all offences has increased over the last decade, from 12.4 to 16.6 months.<sup>xiv</sup>
19. Overall, there have been decreases in the total of prisoners serving determinate sentences of less than 4 years, and increases in the total of those serving determinate sentences of 4 years or more.
20. The total of prisoners serving determinate sentences of 14 years or longer rose by 8% (to 3,759) in the 12 months to 30 September 2017.
21. The increase in the long determinate sentenced population reflects the increasing number of sentenced sex offenders. In September 2017, there were 13,456 prisoners serving sentences for sexual offences. This accounts for almost one fifth (18%) of the sentenced prison population.
22. The total of prisoners serving custodial sentences for sexual offences is now at its highest since 2002. The total number of people sentenced for sexual offences in the year ending March 2017 was 4,400. This was an increase from 2,800 in the year ending March 2007 (a decade ago). Over this same decade, the ACSL for sexual offences increased by 18 months.
23. People in prison experience significantly poorer health, both mental and physical, than the general population in England and Wales.

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

24. Overall, the prison population projections appear to accurately reflect the current information and knowledge which we have (though we should not discount the possibility that unforeseen changes in sentencing behaviour and practice or policy changes may impact on the projections).
25. The latest Prison Population Projections for 2017 to 2022<sup>xv</sup> indicate that the prison population will remain more or less stable until June 2019, following which it will rise by a further 1,600 prison places by March 2022.

26. Over the longer term, growth is likely in the determinate sentenced prison population (the increased reporting of sexual offences, for example, may eventually result in more sexual offenders sentenced to custody).

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

27. In any prison, safety is the cornerstone upon which rehabilitative intervention is built. Prisons which are not self-evidently safe will inevitably fail to rehabilitate prisoners, and will impede their reintegration into society.
28. Without a supportive and therapeutic setting, prisoners cannot be adequately prepared to desist from offending upon release. This in turn means that reoffending becomes more likely.
29. There is clear evidence of a significant deterioration in safety within our prisons over the last 5 years. The Chief Inspector of Prisons has acknowledged the problem, labelling “too many of our prisons (as) unacceptably violent and dangerous places” and pointing to “startling increases in all types of violence”.<sup>xvi</sup>
30. While the factors which have contributed to this deterioration include substance misuse (most notably of new psychoactive substances) and long standing issues of overcrowding, reductions in prison staff – as well as difficulties retaining existing experienced staff – have been a significant factor in our prisons becoming less safe.
31. There is a statistical correlation between the levels of prison staff and the number of violent incidents in prison (as acknowledged by the government’s 2016 white paper, Prison Safety and Reform<sup>xvii</sup>).
32. The key operational grades in public sector prisons are band 3 prison officers, band 4 officer specialists, band 4 supervising officers and band 5 custodial managers. As at 30 September 2017, there were 19,210 FTE band 3 to 5 officers, an increase of 1,207 compared to the previous year.<sup>xviii</sup>
33. The Government plans an increase of 2,500 prison officers by the end of 2018<sup>xix</sup>, and this will assist in increasing safety. However, this increase will leave the total of operational staff in the public prison estate significantly below the total in 2010. The total of operational staff employed by the public prison estate has dropped by 26% over the previous 7 years, meaning some 7,428 fewer staff are supervising a prison population which itself has continued to grow.<sup>xx</sup>
34. Some progress has been made in addressing issues of assaults, self-harm and deaths in prison. Nevertheless, there were 300 deaths in prison custody in the 12 months to September 2017. This included 3 murders and 77 self-inflicted deaths (5 of which were in the female estate).<sup>xxi</sup>

35. The Chief Inspector of Prisons found that found that one-third of the prisons inspected had not fully implemented recommendations by the Prisons and Probation Ombudsman on self-inflicted deaths in prisons, and observed recurring themes of failure in process and practice.<sup>xxii</sup>
36. Self-harm incidents in prison continue to increase, and hit their highest ever level of 41,103 incidents in the 12 months to June 2017. Some 2,833 of these incidents required hospital care.<sup>xxiii</sup>
37. Assaults have also hit a historically high level; there were 27,193 incidents of assault in the 12 months to June 2017 (an increase of some 14% on the year before). Prisoner-on-prisoner assaults have hit a historical high of 19,678 such incidents. Assaults on staff are also up by 25% on the year before.<sup>xxiv</sup>
38. All of this contributes to a picture in which urgent action is require to ensure the safety of all those who work and live in our prisons. Consideration of substantially increased staffing, notwithstanding the increases already planned, may be considered to be a key part of this action.

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

39. Prisons are experiencing significant pressures linked with safety. The major resource which is required is increased staffing to address the chronic staff shortages in the system. This is particularly important if the shift to increased safety in our prisons is to be maintained.
40. Action is also required to reduce overcrowding.

***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?***

41. Reducing reoffending inevitably leads to a reduced prison population. With regard to the current scale of probation, there were 262,347 offenders subject to probation supervision on 30 June 2017.<sup>xxv</sup>
42. Following the Transforming Rehabilitation changes, around 70% of those subject to probation supervision are now supervised by the 21 Community Rehabilitation Companies (CRCs). There is some anecdotal evidence that some CRCs are experiencing low staff morale, high caseloads and punishing workloads, with many experienced officers leaving probation employment.
43. Given the size of the current prison population, it is a pressing concern that sentencers should have access to, and confidence in, a demanding array of community sentencing options. That cannot happen without well-organised probation intervention which is fully responsive to the needs of its service users.

44. The use of community sentencing options for those who would benefit from treatment rather than punishment must be prioritised. The majority of prisoners have committed non-violent offences (approximately 1 in 4 sentenced prisoners is in prison for an offence involving ‘violence against the person’). Greater consideration could be given to the risk potential offenders may pose to public safety when contemplating the use of imprisonment.

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<sup>i</sup> <https://www.gov.uk/government/statistics/prison-population-figures-2017>

<sup>ii</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655150/Offender\\_Management\\_Statistics\\_Bulletin\\_Q2\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655150/Offender_Management_Statistics_Bulletin_Q2_2017.pdf)

<sup>iii</sup> <http://www.prisonstudies.org/country/united-kingdom-england-wales>

<sup>iv</sup> <http://www.prisonstudies.org/country/united-kingdom-england-wales>

<sup>v</sup> <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN04334>

<sup>vi</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)

<sup>vii</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655150/Offender\\_Management\\_Statistics\\_Bulletin\\_Q2\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655150/Offender_Management_Statistics_Bulletin_Q2_2017.pdf) (page 3)

<sup>viii</sup> Farrington, D. P. (2000) Psychosocial predictors of adult antisocial personality and adult convictions. *Behavioural Sciences and the Law*, 18 (5), 605–22.

<sup>ix</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278837/prisoners-childhood-family-backgrounds.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf)

<sup>x</sup> <https://www.gov.uk/government/collections/surveying-prisoner-crime-reduction-spcr>

<sup>xi</sup> <https://www.gov.uk/government/collections/surveying-prisoner-crime-reduction-spcr>

<sup>xii</sup> <https://www.nao.org.uk/report/nao-briefing-comparing-international-criminal-justice-systems/>

<sup>xiii</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638225/cjs-statistics-march-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638225/cjs-statistics-march-2017.pdf)

<sup>xiv</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638225/cjs-statistics-march-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638225/cjs-statistics-march-2017.pdf)

<sup>xv</sup> <https://www.gov.uk/government/statistics/prison-population-projections-ns>

<sup>xvi</sup> [https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

<sup>xvii</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-\\_web\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf)

<sup>xviii</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/659627/quarterly-hmpps-workforce-statistics-bulletin-30-september-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/659627/quarterly-hmpps-workforce-statistics-bulletin-30-september-2017.pdf)

<sup>xix</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565014/cm-9350-prison-safety-and-reform-\\_web\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf)

<sup>xx</sup>

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202017%20factfile.pdf>

<sup>xxi</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/654498/safety-in-custody-stats-q2-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654498/safety-in-custody-stats-q2-2017.pdf)

<sup>xxii</sup> [https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/07/HMIP-AR\\_2016-17\\_CONTENT\\_201017\\_WEB.pdf](https://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/07/HMIP-AR_2016-17_CONTENT_201017_WEB.pdf)

<sup>xxiii</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/654498/safety-in-custody-stats-q2-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654498/safety-in-custody-stats-q2-2017.pdf)

<sup>xxiv</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/654498/safety-in-custody-stats-q2-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654498/safety-in-custody-stats-q2-2017.pdf)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/655150/Offender\\_Management\\_Statistics\\_Bulletin\\_Q2\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/655150/Offender_Management_Statistics_Bulletin_Q2_2017.pdf)