

Reducing the use of short prison sentences in favour of a smarter approach

“There is a strong case for abolishing sentences of six months or less – with some exceptions – and we are working towards having firm proposals by the summer.”

Justice Secretary, David Gauke, House of Commons, 4th June 2019

In March 2018 we launched our campaign that showed short sentences are short-sighted. We asked the government to consider ways to restrict the use of short custodial sentences of less than six months. We also asked them to ensure community sentences can command public confidence and deal effectively with some of the underlying causes of persistent, petty offending, including drug or alcohol addiction and mental ill-health.

Since then we have had real impact. The Justice Secretary gave a landmark speech on “smart justice” and put cutting short prison sentences at the heart of his plans.



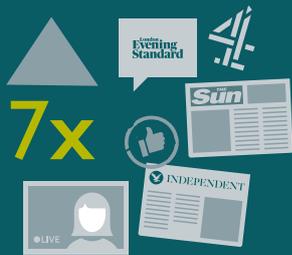
Building a new consensus – the public, the media and politicians

The Justice Secretary is right to press on with this reform. Our poll¹ of the public found that the vast majority of the public think that people with drug or alcohol addictions belong in treatment programmes instead of prison.

Our poll of MPs found that 70% support the introduction of a new presumption against short sentences of less than 6 months for non-violent offences.

New evidence² from Scotland shows that the presumption against prison terms of less than 3 months, introduced in 2010, had reduced use of short jail terms by 40%.³ By 2016/2017 crime in Scotland had fallen over 18%, with a 26% fall in property crime.⁴

Since we started the campaign, The Sun Newspaper, The Evening Standard, The Independent and The Guardian have all backed reducing short prison sentences. The Telegraph editorial stated that “short sentences make rehabilitation harder”.



SINCE MARCH 2018 WE HAVE SEEN A 7-FOLD INCREASE IN THE AMOUNT MEDIA COVERAGE ON SHORT SENTENCES, AS WELL AS A TREND TOWARDS MORE POSITIVE COVERAGE.

Why does this matter?

We have uncovered compelling new evidence on the problems with short prison sentences.

New data obtained by Revolving Doors Agency under Freedom of Information legislation has found that of people sentenced to less than 6 months in custody:

- 3 in 5 report a **drug or alcohol** problem on arrival at prison.
- 1 in 4 are **released homeless**.
- 7 in 10 **reoffend** within a year of release.
- 8 in 10 convicted of theft **reoffend** with a year of release.
- One single person has been sentenced to almost **200 short prison sentences** of less than 6 months.

Despite this, over half of all people sent to prison are still sent there for less than 6 months.⁵ The overwhelming majority of people serving sentences of less than six months are in prison for non-violent offences. The most common offence for which people are sentenced to prison for a short time is theft, in particular shoplifting.⁶ This is often linked to underlying problems such as poverty, drug addiction, homelessness and poor mental health.

“I was locked up four times last year, one for three months, one for two weeks, one for three weeks and another one for two weeks. I wasn’t able to start any courses because I wouldn’t have been able to finish the courses. I didn’t learn anything. I didn’t gain anything. The last couple of times, I didn’t even get a chance to be put on the proper wing - I was on the induction wing for the whole two weeks.”

“It’s all down to mental health. I wasn’t in the right frame of mind. I was picking up the drink in the shop and drinking it in the shop, not running off with it.”

The evidence is clear. Short prison sentences are short-sighted because they disrupt family ties, housing, employment and treatment programmes, but they do not provide any meaningful rehabilitation. These sentences contribute to prison ‘churn’ and volatility. They are ineffective at tackling petty crime. We can do better and should adopt a smarter approach.

Leaving us all short changed

As well as making people more likely to reoffend, short prison sentences cost more than a community sentence, leaving us all short changed. New analysis by New Economics Foundation, commissioned by Revolving Doors Agency, has found that savings could be made by restricting the use of short prison sentences.

Putting someone on a community pathway as opposed to a prison pathway would save the criminal justice system £9,237 per person over the course of a year. This includes initial cost saving of the sentence and the additional saving from lower reoffending rates. Even the ongoing cost of a relatively intensive community order is outweighed by the higher costs of arrest, trial and imprisonment of people reoffending in the prison pathway.

Small changes in sentencing policy for people convicted of theft offences could result in significant resource savings.

If short custodial sentences of less than 6 months for theft only were replaced by effective community sentences, NEF's model suggests this would save the government at least **£500 million over the next 5 years.**⁷

Making progress

Ministers have set out their approach consistently across a number of key strategies and protocols. This concurs with many of the devolved authorities.

Female Offenders Strategy (June 2018)

"Today there are 3,850 women in our prisons. I want to see this fall, with fewer women in prison for short sentences. The way forward is through shifting our focus from custody to the community."

Strengthening probation, building confidence (July 2018)

"We know that community sentences are often more effective than prison in reducing reoffending. We want to see them used more often, particularly instead of short custodial sentences which can cause disruption to people's lives without offering prisoners the dedicated time and support available during longer sentences to address the root causes of their offending." – Justice Secretary, Rt Hon David Gauke MP.

London Assembly Police and Crime Committee (July 2018)

"There are some women who are sentenced to prison, often on short sentences, for low level offences such as theft. These types of sentences are widely criticised as harmful and unhelpful to rehabilitation."

Greater Manchester Police and Crime Plan, Standing Together (March 2018)

"Many of these men (18-25 year olds) are immature, have learning needs, poor school attendance and limited employment and short term prison sentences do not address their needs. Intensive Community Orders are being used to challenge offending behaviour and support community sentences and meet the needs of individual offenders and their families."

A new model for probation (May 2019)

"I want a smarter justice system that reduces repeat crime by providing robust community alternatives to ineffective short prison sentences - supporting offenders to turn away from crime for good" – Justice Secretary, David Gauke MP.

A Call to Action

The Government should publish a Green Paper setting out practically how they will restrict the use of short custodial sentences of less than six months – including through legislation.

Alongside this, the Ministry of Justice should strengthen community sentences so that they command public confidence and are able to deal with the underlying causes of offending including mental ill-health and problematic drug or alcohol use.

Join us to ensure the Government turns warm words into firm proposals. To find out more and to see how you can support our campaign visit our website:

www.revolving-doors.org.uk

Endnotes

1. Populus poll of 944 adults in England and Wales commissioned by Revolving Doors Agency. Fieldwork undertaken 12th-13th February 2018.
2. <https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/pages/2/>
3. <https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/pages/25/>
4. Scottish Crime Survey see <https://www2.gov.scot/Resource/0053/00533870.pdf> and <https://www2.gov.scot/Publications/2011/10/28142346/4>
5. Table 2.5a Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population: 31 December 2017
6. Table 2.5b Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population: 31 December 2017.
7. New Economics Foundation (2018) Technical Guidance available on request

Revolving Doors Agency

Room 2A31
South Bank Technopark
90 London Road
SE1 6LN

www.revolving-doors.org.uk

