

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

*“We are looking very carefully at a presumption against sentences of under six months”*

Rory Stewart MP, Justice Minister, 11 January 2019.

In March 2018 we launched our campaign that showed short sentences are short-sighted. We asked the government to review this issue and to consider introducing a new presumption against the use of short custodial sentences of less than six months. We also asked the government to strengthen community sentences so that they command public confidence and are better able to 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 Government has committed to explore options to restrict the use of short custodial sentences.

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

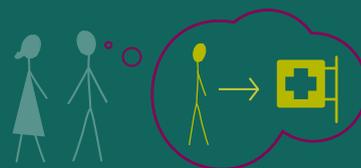
Our poll<sup>1</sup> of the public found that the vast majority of the public think that people with drug or alcohol addictions belong in treatment programmes instead of prison.

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 evidence<sup>2</sup> 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%.<sup>3</sup> By 2016/2017 crime in Scotland had fallen over 18%, with a 26% fall in property crime.<sup>4</sup>

Since we started the campaign, The Sun Newspaper, The Evening Standard and The Independent have all backed reducing short prison sentences.

**OUR POLL 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.**



*“We would like to see short custodial sentences imposed much less frequently and to have a stronger emphasis on community penalties, including those which address offenders’ behaviour, answer their mental health and alcohol or drug misuse needs.....There is persuasive evidence showing that short custodial sentences do not work in terms of rehabilitation and helping some offenders turn their backs on crime.”*

Lord Keen of Elie, Justice Spokesperson in the Lords,  
4 February 2019

## 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.

Despite this over half of all people sent to prison are sent there for less than 6 months.<sup>5</sup> The overwhelming majority of people serving sentences of less than six months are in prison for non-violent offences. Some common offences that receive a short time in custody are theft and drug offences<sup>6</sup>, linked to underlying problems such as poverty, drug addiction, homelessness and poor mental health. Indeed, the most common offence for which people are sentenced to prison is theft.

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.

*“I have done 19 short prison sentences in the last 20 years. A lot of the time I didn’t get any interventions [to address] the problems that led me to being in custody – substance misuse, alcohol, drug addiction, homelessness. These are the reasons I was breaking the law - to try and get myself somewhere to live for the night, to fund my addiction and just to survive really.”*

**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.**



## 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 introducing a presumption against 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 and non-violent drug offences could result in significant resource savings.

***If short custodial sentences of less than 6 months for theft and non-violent drug offenses only were replaced by effective community sentences, NEF's model suggests this would save the government at least £83 million each year.<sup>7</sup>***

## Making progress

Ministers are now considering options for restricting the use of short-sighted short prison sentences.

They have committed to replace short prison sentences, where possible, with effective community sentences. They have been consistent 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."*

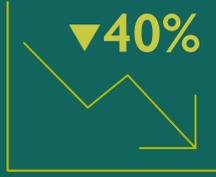
Justice Secretary, Rt Hon David Gauke MP.

### 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."*



**NEW EVIDENCE 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%.**

## A Call to Action

To achieve the shift that Ministry of Justice want to see, they should introduce a presumption against the use of short custodial sentences of less than six months. This would allow such a sentence only when no other appropriate disposal is available. Where short prison sentences are imposed, courts would have to say why. This approach does not remove the court's discretion; it is a presumption not a ban. Therefore, under these proposals offences that are serious and/or risk harm, such as domestic violence, can be dealt with appropriately by the courts.

*“the wrong kind of short prison sentence leads to more reoffending and endangers the public – it’s shortsighted.”*

Rory Stewart MP,  
Justice Minister

Alongside this, we need to strengthen community sentences so that they command public confidence and are able to deal effectively with some of the underlying causes of offending including drug or alcohol misuse and mental health. However, there is no value in continuing with the failed policy of short sentences while we wait. Clear direction from government on the need to reduce inappropriate short sentences should be the welcome catalyst for action across the system.

To find out more and to see how you can support our campaign visit our website:  
[www.revolving-doors.org.uk](http://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

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