

Prisons – Calling home for Christmas

FAST FACTS

- In 2016/17 28% of individuals given a custodial sentence were given a period of less than three months, despite a presumption against the use of such sentences.
- Due to automatic-early release nearly two thirds of all individuals given a prison sentence served less than three months.
- The SPS and Scottish Government have commented that there are limited opportunities for rehabilitation programmes for individuals serving less than six months.
- Maintaining contact with family and support networks helps reduce the chance of reoffending. Yet for some family members, visiting inmates can require a difficult journey incorporating different forms of public transport.
- Helping maintain contact, where appropriate, benefits not just individuals in prison, but also their families.
- In Scotland prisoners can only access phones at certain times in often intimidating communal settings.
- However, in England and Wales, a number of prisons now have landline phones in the cells. This allows prisoners to contact friends and family more frequently and in private.

CONTEXT

In 2016/17 nearly two thirds of all individuals given a prison sentence served less than three months.

Prisons are not just there to punish and protect the public. They also need to rehabilitate and to work with prisoners to help prevent reoffending and offer training to help gain employment once released.

People make mistakes and we need to help ensure that such mistakes are not repeated. Not just because of the emotional and financial cost of crime to victims, families and society, but because of the loss of human potential.

Such a view is neither ideological nor controversial, but is human and compassionate.

Such a short sentence is long enough to cause the offender and their family many problems, such as potential loss of employment, income, housing or caring responsibilities. Yet it is not long enough to offer any sort of rehabilitation or training to the individual when they are in prison. It also has the potential to cut off an offender from their family and/or support network, when we know that maintaining such links helps prevent reoffending.

This is why Reform Scotland believes we should have a pilot scheme putting landline phones in prisoners' cells. This already happens in some prisons in England and Wales, and is considered to be an important tool in reducing reoffending.

This has particular resonance at Christmas, when both prisoners and their families will feel the loss most profoundly. The ability to pick up the phone on Christmas Day could make a significant difference to a prisoner's propensity to reoffend, and to the children waiting for their release.

BACKGROUND

The Criminal Justice and Licensing (Scotland) Act 2010 introduced a presumption against prison sentences of less than three months and requires a court to only pass a sentence of this length if there is no other appropriate disposal available and to record the reasons for this view.

However, due to the Prisoners and Criminal Proceedings (Scotland) Act 1993, all prisoners serving sentences of less than four years are automatically released after half their sentence has been served. (The Prisoners (Control of Release) (Scotland) Act 2015 changed the arrangements for long-term prisoners, but short-term automatic early release remains).

As a result, anyone sentenced to six months or less in prison will serve a maximum of three months.

The following table shows that although the number of sentences of less than three months is declining, a large amount of people are still given such sentences each year. Once automatic early release is taken into consideration, nearly two-thirds of offenders actually serve three months or less.¹

People receiving a custodial sentence by length of sentence					
Year	Total	Up to 3 months		3-6 months	
		Number	% of total	Number	% of total
2016/17	12,649	3,495	27.6%	4,459	35.3%
2015/16	13,736	4,067	29.6%	4,852	35.3%
2014/15	14,008	4,103	29.3%	5,229	37.3%
2013/14	14,139	4,140	29.3%	5,223	36.9%
2012/13	14,769	4,339	29.4%	5,471	37.0%
2011/12	15,926	4,529	28.4%	6,153	38.6%
2010/11	15,296	5,332	34.9%	5,229	34.2%
2009/10	15,781	5,919	37.5%	4,957	31.4%
2008/09	16,924	6,914	40.9%	5,230	30.9%
2007/08	16,737	8,414	50.3%	4,250	25.4%

¹ Criminal Proceedings in Scottish Courts 2016/17 – Table 10d
<https://www.gov.scot/publications/criminal-proceedings-scotland-2016-17/>

As shown, while there has been a welcome fall in the number of short sentences, last year still 27.6% of all individuals given a custodial sentence were given a period of less than three months despite the presumption against such sentences.

In Reform Scotland's Reforming Prison report from 2017 we highlighted responses to Freedom of Information requests from the Scottish Prison Service that noted *"most of our (the SPS) offending behaviour programmes require individuals to be in custody for longer than 6 months."*²

Additionally, then Justice Secretary Michael Matheson commented in answer to a parliamentary question *"Short-term custodial sentences, in particular those of less than six months, offer limited opportunity for rehabilitation."*³

In other words, the majority of prisoners sentenced each year are serving sentences of less than three months, with limited, if any, ability to engage in rehabilitation programmes.

To make matters even worse, they can often struggle to maintain contact with family and support networks, which is also so important for reducing reoffending.

The Scottish Government's 2015 report 'What works to reduce reoffending: A summary of evidence', highlighted that strong social bonds and emotional well-being helped prevent reoffending. Yet for some family members, visiting inmates can require a difficult journey incorporating different forms of public transport.

² FOI response from the Scottish Prison Service 5 Mar 2017

³ S5W-06095

Families Outside, a charity which works to support the families of people affected by imprisonment, organised the #sendyourmsptoprison campaign, which saw MSPs such as Mary Fee and Liam Kerr experience firsthand how difficult it was for many family members to visit loved ones in prison using public transport.

Families Outside have highlighted that more children in Scotland experience the imprisonment of a parent than parental divorce, something that is also one of the ten Adverse Childhood Experiences known to have long-term impact on health and well-being.

Helping maintain contact, where appropriate, would not just benefit individuals in prison, but also their families.

In Scotland prisoners can access communal phones at certain times. The system works on a credit basis with payment coming from the prisoner's cash account. They are only able to call the numbers of individuals on an approved list.

However, in England and Wales, a number of prisons now have landline phones in the cells. This allows prisoners to contact friends and family more frequently and in private – away from what can be an intimidating communal setting. Such developments have taken place at Dovegate, Wayland, Berwyn, Durham, Holme House, Kirklevington Grange, Cookham Wood, High Down, Wandsworth, Nottingham and Eastwood Park prisons.⁴

When he was Justice secretary David Liddington visited Bronzefield women's jail in Middlesex, and said he saw the benefit of telephones in cells, commenting "The women

were able to keep in contact with families in the middle of the night if they have a crisis, to talk to a friend or family or ring the Samaritans. I think it makes for a calmer and better functioning prison."⁵

That suggestion is backed up by a National Audit Office report from 2013⁶ which also suggested that it could help contribute to prisoner safety, noting: *"In-cell telephones as well as allowing prisoners to maintain family contact (important for successful rehabilitation), also contribute to prisoner safety."*

POLICY RECOMMENDATIONS

Pilot schemes for increasing contact between prisoners and their families.

Evidence suggests that maintaining close family ties can help prevent reoffending. However, due to distance or circumstance some family members will be unable to see or speak to their loved one as often as they would like, if at all. The vast majority of offenders will be released from prison after a very short sentence and it is vital that support networks are maintained.

Even if travel and transport are not a problem, prison rules also place restrictions on the frequency and duration of visits. If family contact helps reduce reoffending, as well as helping those left outside, then it is something that needs to be encouraged.

Reform Scotland believes that there should be some pilots looking at innovative ideas for increasing contact, including having landline phones in prison cells. This is something that already happens in some prisons in England and Wales.

⁴ <https://www.dailymail.co.uk/news/article-5226101/Prisoners-allowed-use-phones-computers.html>

⁵ <https://www.dailymail.co.uk/news/article-5226101/Prisoners-allowed-use-phones-computers.html>

⁶ National Audit Office, Maintaining the Prison Estate, Dec 2013

Ban sentences of less than six months

Although there is a presumption against sentences of less than three months, such sentences continue to be handed down by the court. As automatic early release means that only half of a short sentence is actually served, 63% of offenders given a prison sentence in 2016/17 actually served a three month sentence or less.

Yet, information from the Scottish Prison Service has highlighted that there are limited opportunities for rehabilitation and training within such a short sentence.

Prison is supposed to: protect the public; rehabilitate offenders; deter others; and punish.

Such short sentences cannot rehabilitate. They offer little protection to the public – if someone is genuinely a danger to the public then they should be in prison for considerably more than the six weeks they would actually serve. It is arguable whether such a short sentence is a deterrent to others. And finally, there is a case that, because of the potential disruption a very short sentence can cause in terms of loss of income and/or employment as well as parenting and/or caring responsibilities, the punishment is disproportionate.

Therefore, Reform Scotland believes that sentences of less than six months should be prohibited.