

## Candidate 3 evidence

'Prison is a costly waste of time'

Word Count: 5237

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Introduction

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In the UK, the prison population has risen by 82% in the last 30 years alone, with 84,648 inside on 16 June 2017.<sup>1</sup> With a recent rapid increase in inmate numbers, and a growth in the average price per prisoner (with it costing an average of £32,510 per prisoner in 2015-16<sup>2</sup>), the government has had to cut spending on some aspects of the prison service. For example, there has been a drastic reduction in prison officers. This has led the British prison services to fall into a state of crisis. Both England and Wales have suffered the worst of the cut backs. As a result, the prison population has risen to over 84,200, which is the highest imprisonment rate in Western Europe<sup>3</sup>. Colin McConnell, chief executive of the Scottish Prison Service, has explained that the crisis in England and Wales is a direct consequence of the “excessive budget pressures”<sup>4</sup>. In Scotland, on the other hand, the results have been less severe. Despite the prison population always being high, in the last 5 years Scotland has managed to decrease it by 8%<sup>5</sup>. Arguably, this has been due to a concentrated focus on rehabilitation and prevention of reoffending by abolishing short-term sentences. Previously, in late 2016, almost half (47%) of prisoners were sentenced to serve six months or less<sup>6</sup>. As a result, many of these prisoners came out of prison worse off and returned to prison shortly after. A study has shown that between October and December 2015, around 148,000 proven re-offences were committed over a one year follow-up period. This means that each reoffending ex-prisoner committed, on average, 3.83 further crimes each.<sup>7</sup> The incarceration of prisoners has caused deep impacts on certain individuals in society, most notably on the offenders’ family. The price of prison is also a key aspect of the current debate regarding the high re-offending rates and has undergone extensive revision in recent years. The benefits of non-custodial sentences have also been examined, and whether these are more effective than imprisonment. Due to the fact that not only offenders, but also society and individual tax payers are so significantly affected by the prison system many questions have aroused

<sup>1</sup>Ministry of Justice 2017 Population and capacity briefing for 16 June 2017

<sup>2</sup>Ministry of Justice National Offender Management Service Annual report and accounts 2015-16

<sup>3</sup>M. Townsend and M. Savage, ‘Are prisons in England and Wales facing a meltdown?’ *The Guardian*, 17 Feb 2018, <https://www.theguardian.com/society/2018/feb/17/britain-prison-crisis-facing-meltdown-gangs-drugs-violence>

<sup>4</sup>J. Davidson, ‘What are we doing right in Scottish prisons that isn’t working in England?’, *Inside politics*, 30 October 2017 <https://www.holyrood.com/articles/inside-politics/what-are-we-doing-right-scottish-prisons-isnt-working-england>

<sup>5</sup>Scottish Government, Criminal Justice- Prison Population, Last updated 16 Nov 2017 <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/TrendPris>

<sup>6</sup>Ministry of Justice 2017 October to December 2016

<sup>7</sup>Ministry of Justice Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

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about how worthwhile prison really is. This dissertation will explore the extent of value the UK taxpayer receives from criminals going to prison, as well as the impact on the criminal's family and loved ones after the offender is sent to prison. Further consideration will be given to non-custodial sentences (such as tagging, community service and rehabilitation centres) and whether there would be a better alternative for some prisoners.

In order to reach a final conclusion on the hypothesis that prison is a costly waste of time for some types of prisoners, the following three areas will be considered in detail:

- To what extent does sending a criminal to prison provide value for the taxpayer?
- To what extent does society carry the social costs of sending a criminal to prison?
- Would non-custodial sentences be a more effective way of dealing with offenders?

To what extent does sending a criminal to prison provide value for the taxpayer?

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This chapter will examine the financial costs of sending people to prison and whether or not it is successful in rehabilitating criminals.

Financial costs

Overall, it costs the UK a significant sum of money to send offenders to prison. According to the National Offender Management Service (NOMS) 2016 and 2017 reports and accounts, it costs, on average, £35,371 per prisoner every year<sup>8</sup>. This money is used to facilitate various elements of the offender's sentence such as basic supplies, health care, food, and accommodation. It also is spent on prison guards, security measures, and rehabilitation programmes. The resources required to run the UK prison system are significantly expensive. The NOMS annual report and accounts have also revealed that between 2016 and 2017 the UK spent £2,997,687,957 on overall resource expenditure<sup>9</sup>. This statistic emphasises how the UK pays almost three billion in order for the prison to run in an appropriate and orderly way. In 2015, it cost each tax payer over £40 per year<sup>10</sup>. Many find it unjust that although crimes are not the individual taxpayers' fault, they are effectively having to pay for the price of a criminal's mistake. It is widely disputed that this money could be better spent elsewhere, for example, on rehabilitation and healthcare. Overall, the whole prison budget for the UK was £2.71 billion in 2016/17<sup>11</sup>.

The prison budget has decreased by 22% since 2010<sup>12</sup> as a means of saving the taxpayers money. As a result, the Chief Inspector of Prisons has claimed that there are currently "Staff

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<sup>8</sup>Report from National Offender Management Service 'Annual Report and Accounts 2016-17' Printed on 19 July 2017  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630533/6.3329\\_NOMS\\_AR\\_180717\\_19\\_July\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630533/6.3329_NOMS_AR_180717_19_July_web.pdf)

<sup>9</sup>Ibid.

<sup>10</sup>Britain's Prison Population: the stats unlocked, *Prison Watch UK*, 11 June 2015  
<https://prisonwatchuk.com/2015/06/11/uk-prison-population-stats/>

<sup>11</sup>Institute for Government, Publication of performance tracker, 2017  
<https://www.instituteforgovernment.org.uk/publication/performance-tracker-autumn-2017/law-and-order/prisons>

<sup>12</sup>Ibid.

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shortages, increased violence and antisocial behaviour and widespread use of [new psychoactive substances]<sup>13</sup>. Overcrowding is also a serious issue. 3 in 4 prisons in the UK are currently overcrowded<sup>14</sup>. Whilst a decrease in such tax has benefited individual taxpayers, the number of reoffenders has risen dramatically.

The money supplied by taxpayers is necessary to effectively punish those who commit crimes. It is necessary to build a more civil structure within society. Research from the think tank Civitas showed that in 2012, a one month increase in sentences would reduce burglaries in the following year by 4,800<sup>15</sup>. This emphasises the important role of prison in reducing property crime in the UK. However, alternative methods of punishment which are less expensive could gather the same results. This will be discussed in further detail in chapter 3.

#### Reoffending rate

Reoffending rates in the UK are extremely high. Between July 2014 and June 2015, 44% of adults were re-convicted within 1 year of release<sup>16</sup>. This highlights that for almost half of adult offenders, prison has failed to rehabilitate and prevent them from reoffending. In 2010, reoffending ex-prisoners cost the economy between 9.5 and 13 billion pounds<sup>17</sup>. This illustrates the further impacts caused by the failure to rehabilitate, which negatively affects the economy. According to a Scottish Criminal Lawyer, Tony Callahan, "there are many factors in relation to why people repeatedly commit crimes"<sup>18</sup>. It is important, therefore, to consider each of these factors as equally important and to tackle these individually. One way in which prisons currently try to prevent people from reoffending is through programmes.

<sup>13</sup>HM Chief Inspector of Prisons (2017) Annual Report 2016–17, London: The Stationery Office

<sup>14</sup> F. Crook, 'Three in Four Prisons Are Overcrowded- Ministers Must Recognise There Is a Problem', *The Huffington Post*, 2 May 2015 [https://www.huffingtonpost.co.uk/frances-crook/prison-numbers-overcrowding\\_b\\_6782932.html?utm\\_hp\\_ref=uk-prison-overcrowding](https://www.huffingtonpost.co.uk/frances-crook/prison-numbers-overcrowding_b_6782932.html?utm_hp_ref=uk-prison-overcrowding)

<sup>15</sup>Civitas, <http://www.civitas.org.uk/press/coalitions-anti-prison-policies-ignore-moj-data-on-effectiveness-of-long-sentences/>

<sup>16</sup> Prison Reform Trust – Bromley Briefings Summer 2017, Prison: the facts, report, <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202017%20factfile.pdf>

<sup>17</sup> 2010 to 2015 Government Policy: reoffending and rehabilitation, updates 8 May 2015, Ministry of Justice, Home office, UK government <https://www.gov.uk/government/publications/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation>

<sup>18</sup> Appendix I

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They aim to focus on helping offenders to fix the factor which caused them to offend in the first place. When visiting HMP Perth, residential manager Andy Brown, discussed the compulsory Scottish programme for adult sex offenders: 'Moving Forward Making Changes' (MFMC). This programme is used to prevent ex-prisoners of reoffending by encouraging them to face the wrong-doing which they have committed and take responsibility for it. He also highlighted the low rates of reoffenders who had completed this programme, showing that it was extremely effective. Although some of the money given by taxpayers is still used to run this programme, it is effective in giving criminals more specialised support and helps to change their behaviour. Tony Callahan claims that "quite often when a prisoner applies to be released from their sentence on parole they must show the parole board they have completed rehabilitation programmes"<sup>19</sup>. This highlights how the justice system favours and supports these programmes as they evidently influence positive changes in behaviour. It is important to note, however, that these programmes require a lot of time, effort, and resources from the prison system. Andy Brown spoke of a wide range of rehabilitative opportunities on offer. However, he addressed that not all the needs of prisoners were being addressed, with shortfalls for prisoners with needs related to interpersonal violence. Rehabilitation programmes are essential to provide value for the taxpayer and, likewise, for prison to have a positive effect on offenders. As the previous Cabinet Secretary for Justice, Kenry MacAskill, once stated: 'I believe that people can turn their lives around. But to do that they often need help and opportunities, support and compassion. Our justice system must therefore enable rehabilitation as well as punishment'<sup>20</sup>.

#### Concluding this chapter

Therefore, solely sending criminals to prison does not provide enough value for the taxpayer. Whilst in theory it provides a more structured and orderly society by punishing those who commit crime, the reality is that despite the expensive costs and use of resources, high reoffending rates continue to exist. Rather, these resources should be used to tackle the underlying causes of each crime. Many prisoners fail to rehabilitate due to the lack of resources and help in prison tailored to their own needs. Some argue that offenders may be

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<sup>19</sup> Appendix I

<sup>20</sup> <http://www.gov.scot/Publications/2012/09/5924/2> September 2012, Scottish Government, A strategy for Justice in Scotland

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able to gain a more beneficial experience of discipline in non-custodial methods. Arguably, these are deemed useful in helping to set them onto a better footing in life than prison would. This will be explored further in chapter 3.



To what extent does society carry the social costs of sending a criminal to prison?

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This chapter will explore the impact that a person's imprisonment can have on their family. It will also explore the extent to which the imprisonment of criminals can create a more safe and secure society.

The effect on family

The imprisonment of criminals has a significant impact on family members. Children, for example, are affected in numerous ways. Indeed, in the UK a substantial number of children have at least one parent in prison. In 2016, 200,000 children were affected by their parent's imprisonment across England and Wales.<sup>21</sup> Furthermore, approximately 30,000 children face parental imprisonment every year in Scotland<sup>22</sup>. These statistics emphasise the wide scale across the UK of children affected. It is argued that the thousands of children who are affected tend to lack guidance and structure as a result of their parent's absence. This highlights the profoundly detrimental effect which having a parent in prison can have on youths. Moreover, offenders' children are arguably more vulnerable in terms of mental health. It is shown that children with a parent in prison are twice as likely to suffer from mental health problems<sup>23</sup>. Such issues often have a large impact on other aspects of the child's life such as educational performances and relationships. Due to their parent's actions, these young children are often at a much higher risk of becoming criminals. This is a vital factor to consider as it creates a vicious cycle of ongoing offences throughout generations. In England and Wales, for instance, children are three times more likely to be involved in offending when they have at least one parent in prison.<sup>24</sup> Although this statistic is drawn exclusively from England and Wales, the figures are likely to be similar in both Scotland and Northern Ireland, demonstrating the widespread impact of this matter. Alternatively, however, the imprisonment can often have the opposite effect on our children. They may instead be discouraged from committing crimes and reject illegal actions. In other words, the children do not wish to repeat their parents' mistakes. For some families, there is a severe financial impact. The convict may be the family's only source of income. As a result, "the family can become dependent on state benefits and in some cases the family lose their home as they

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<sup>21</sup>Report by Owen Gill and May Jacobson Deegan, 'Children of Prisoners: A guide for community health professionals', January 2016

<sup>22</sup>Ibid.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

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can no longer afford to pay their rent or mortgage"<sup>25</sup>. This exacerbates stress for the family and casts a serious detrimental effect on its members.

Children require support through the emotional and distressing times of their parents' imprisonment. In most cases, the children feel both ashamed and isolated, meaning that they are in great need of guidance. "Without extra support, these particularly vulnerable groups of children are at high risk of poor outcomes and the intergenerational transmission of offending."<sup>26</sup> Without the required support, prisoners' children are three times more likely to engage in anti-social or offending behaviour<sup>27</sup>. This statistic reveals a key problem of children repeating their parent's actions. The negative impacts which the imprisonment of a person has on the lives of their family members are undoubtedly vast. The implementation of non-custodial sentences has therefore been debated. The controversy surrounding this idea will be discussed further in chapter 3.

However, in some instances, other family members, such as grandparents and step-parents, have the ability to provide a child with the support deemed necessary. In addition to this, the government has created numerous helplines which offer support and advice to the families and friends of those in prison. For example, organisations such as the 'Offenders' Families Helpline' and the 'Families Outside Support and Information Helpline' has been set up.<sup>28</sup> Despite the benefits of these, the price or inaccessibility of using the service is not always possible in impoverished families. Moreover, there are organisations set up, such as 'POPS' which helps to provide support for the prisoner's family. 'POPS' aims to 'identify and respond to the needs of families'<sup>29</sup>. When organisations such as these are set up, it raises awareness around the UK that offender's families are deeply affected and must be helped in any way possible.

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<sup>25</sup> Appendix I

<sup>26</sup> Parents in prison: the effects on children, August 10 2006

<http://www.communitycare.co.uk/2006/08/10/parents-in-prison-the-effects-on-children/>

<sup>27</sup> Ministry of Justice and Department for Children, Schools and Families 2007 Review, 2015

<http://www.sccjr.ac.uk/wp-content/uploads/2015/10/SCCJR-Impact-of-crime-prisoners-families.pdf>

<sup>28</sup> UK Government, 'Support for families and friends of prisoners' <https://www.gov.uk/support-for-families-friends-of-prisoners>

<sup>29</sup> <http://www.partnersofprisoners.co.uk/>

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### Safety

With the use of prisons, society can feel safer and more at ease. International studies showed that over two in five (43%) of the UK population consider crime and violence to be one of the most worrying issues in their lives<sup>30</sup>. This is a widespread issue across the UK, and one of the Government's main duties is to make society feel as protected and secure as possible. One way in which the government tries to do so is by rehabilitating criminals throughout their prison sentence. Rehabilitation has been previously discussed in chapter 1, where it was emphasised that criminals going to prison have the potential to rehabilitate, therefore potentially enhancing the safety of society.

Additionally, prison acts as an effective deterrent, preventing people from committing crime. Perhaps if there were no prisons, or only non-custodial sentences, which will be discussed further in chapter 3, there would be a huge increase in crime due to the lack of sufficient punishment. Criminals would face less dire consequences for their actions, making crime more prevalent.

Furthermore, some people believe they would be better off in prison than out of it. This can be due to numerous elements, such as the scourge of poverty. A fifth of all homeless people have committed a crime to get off the streets<sup>31</sup>. With these people struggling every day, prison is seen as a safe haven rather than a punishment centre. However, on balance, the deterrent effect is likely to outweigh this.

### Concluding this chapter

Sending a person to prison has a detrimental effect on their family members. Children in particular face a negative impact as they are much more likely to mimic their parents' actions and offend themselves. There can also be severe financial impacts on poorer families, causing them to fall deeper into poverty. Although UK agencies are trying to prevent the prisoners' families from facing such a substantial impact, they are still facing the consequences of their

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<sup>30</sup>Report by Victim Support

<https://www.victimsupport.org.uk/sites/default/files/Victims%27%20justice%20-%20What%20victims%20and%20witnesses%20really%20want%20from%20sentencing.pdf>

<sup>31</sup> R. Ramesh, 'A fifth of all homeless people have committed a crime to get off the streets', *The Guardian*, 23 December 2010 <https://www.theguardian.com/society/2010/dec/23/homeless-committing-crimes-for-shelter>

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parent or loved one's actions. The families of prisoners in society ultimately carry the burden of sending criminals to prison.

This chapter has also shown that the majority of the public are worried for their safety. Rehabilitation would be in the public's best interest as it reduces reoffending and therefore improves safety. Prison acts as a deterrent to the majority of the population and therefore, overall, prisons do make for a more safe and secure society. In terms of safety, sending a criminal to prison benefits society.

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To what extent would non-custodial sentences be a more effective way of dealing with offenders?

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This chapter will explore different types of non-custodial sentences and whether or not they would be a more beneficial alternative to prison.

Overall, there is a wide range of non-custodial sentences. In 2016, 89,812 offenders were given a custodial sentence, the equivalent of 7% of all sentences that year<sup>32</sup>. The most common non-custodial sentence is a financial fine. In the year ending June 2017, 74% of indictable offenders were given a fine<sup>33</sup>. Community sentencing was also widely used, such as unpaid work (Community Payback Order), drug/alcohol rehabilitation and curfew. This was the second most common alternative sentencing, with 20% of the offenders receiving the punishment in July 2016 to June 2017<sup>34</sup>. While, in England and Wales, the use of community sentences has decreased by 24% in the last 10 years, it has risen by 18% in Scotland<sup>35</sup>. Scotland have clearly become more reliant on this method. In addition, technology such as tagging, and restorative justice, have been used throughout the UK. All of these are issued post offence. Preventative methods are also important, for example children's hearings and early intervention methods. In Scotland, Karyn McCluskey, leader of Community Justice Scotland, argued in her TED talk 'Proceed until Apprehended' that early intervention methods for those at high risk of offending (such as those in poverty) are extremely important, and could save both time and money in the long run<sup>36</sup>. McCluskey spoke to a range of gangs around Scotland and came up with the 'R U in a gang?' helpline, which aims to help young people get out of gangs and prevent them from committing crime. As a direct consequence, violent crime among gang members halved<sup>37</sup>. Karyn has claimed that, if we address potential offenders in early life, we can decrease crime. This shows how preventative

<sup>32</sup>Ministry of Justice Ministry of Justice's criminal justice statistics publications, last updated 30 October 2015 <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

<sup>33</sup>Report Published 16th November 2017, Criminal Justice Statistics quarterly, England and Wales, July 2016 to June 2017 (provisional) Main points –Ministry of Justice

<sup>34</sup>Ibid.

<sup>35</sup>O. Bowcott, Non-custodial sentencing falls sharply in England and Wales, *The Guardian*, 3 November 2017 <https://www.theguardian.com/society/2017/nov/03/non-custodial-sentencing-falls-sharply-in-england-and-wales>

<sup>36</sup>TED talks 'Proceed until Apprehended' Karyn McCluskey, 29 July 2015

<sup>37</sup>J. Henley, 'Karyn McCluskey: the woman who took on Glasgow's gangs', *The Guardian*, 19 Dec 2011, <https://www.theguardian.com/society/2011/dec/19/karyn-mccluskey-glasgow-gangs>

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methods are a better alternative to prison. An opinion poll shows that 63% of people believe that early prevention methods would be 'extremely' beneficial for lowering crime rates<sup>38</sup>.

The use of alternatives to prison has been proven successful, especially for persistent, low-level offenders. In 2011, the Ministry of Justice showed that non-custodial sentences are up to 9% more effective at preventing reoffending than short prison terms. They also pointed out that a three month prison sentence costs around £11,000, while a year-long intensive community justice course costs half of that<sup>39</sup>. Therefore the Ministry of Justice showed that using non-custodial sentences not only saves the government huge sums of money, but also has a higher prevention rate of reoffending than prison does. As chapter one showed, prison is extremely expensive - therefore cheaper yet effective alternative methods are highly desirable. Alternative methods could be more beneficial to the tax payer and to society than prison, as discussed in the previous chapters. The use of alternative methods can also reduce overcrowding to a large extent. In June 2017, 75 out of 116 prisons (65%) listed in the MOJ's *Population Bulletin: Monthly June 2017*, had crowded conditions<sup>40</sup>. If non-custodial sentences were more widely adopted, the UK would have a smaller number of prisoners, allowing us to deal more effectively with those incarcerated. Serious offenders, most deserving of custodial sentences, should be prioritised for rehabilitation requiring more resources. Therefore, non-custodial sentences are more beneficial to the government in terms of reducing costs and overcrowding, as well as for preventing reoffending.

Some non-custodial sentences, such as drug or alcohol rehabilitation courses/programmes, are a much more beneficial way of dealing with offenders' behaviour by getting to the root of the problem. Scottish procurator fiscal, Allison McKenzie, believes that "around 90% of our cases are connected to drug or alcohol in different levels", emphasising how without these two elements, crime could be dramatically reduced. In prison, it is easy for prisoners to get their hands on both alcohol and drugs, and often some those without prior addictions

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<sup>38</sup> Appendix 2

<sup>39</sup> M. Easton, 'Community or custody? A tough question', *BBC News*, 12 September 2011  
<http://www.bbc.co.uk/news/uk-14886720>

<sup>40</sup> UK Parliament, 'Prison Overcrowding', 26 July 2017  
<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2017-0049>

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develop one within the facility due to this easy accessibility. In England and Wales, just under a third (31%) of prisoners admit it is easy to get drugs in prison<sup>41</sup>. Offenders could become more affected by these issues than they were before they entered the prison, thereby increasing the likelihood of reoffending. With non-custodial sentences, offenders with drug and/or alcohol problems can receive the help and rehabilitation they need. It also provides them with structure and routine, preventing them from turning towards their addictions.

Non-custodial sentences are especially effective for women. Women offenders are much less likely to be violent than their male counterparts. In the last quarter of 2014, 81% of women entering prison under an immediate custodial sentence had committed non-violent offences<sup>42</sup>. With such a large number of women receiving shorter prison sentences for non-violent offences, perhaps an increased use of non-custodial sentences could be more beneficial in rehabilitating them. In addition to this, women's crimes are more likely to be persistent, and more likely to be in a constant rotating cycle of committing crimes and prison. Alternative methods to prison would therefore be more effective for breaking this cycle. Most women's offences are also related to root causes such as alcohol/drug problems. A study by the organisation 'Women in Prison' found that 52% of the women surveyed had used heroin, crack, or cocaine in the four weeks prior to custody. The survey also reveals that many women hide or underplay substance misuse through fear of losing their children<sup>43</sup>. This shows that non-custodial sentences aimed at reducing substance abuse would be more effective for reducing reoffending.

However, non-custodial sentences don't work for everyone. Custodial sentences are essential for the most serious offenders, such as murderers, in order to keep the public safe. Prison sentences should still be given to offenders who commit crimes "so serious that neither a fine alone nor a community sentence can be justified for the offence"<sup>44</sup>. Even with certain less serious offences, non-custodial sentences may not be the right approach and may

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<sup>41</sup> Her Majesty's Chief Inspector of Prisons for England and Wales, Annual Report 2013-14, London: Her Majesty's Inspectorate for England and Wales, 2014. p30

<sup>42</sup> Table 2.2b Ministry of Justice (2015) *Offender Management Statistics (quarterly) October-December 2014* London: MoJ

<sup>43</sup> Women in Prison, Key Facts <http://www.womeninprison.org.uk/research/key-facts.php>

<sup>44</sup> (section 152(2) of the Criminal Justice Act 2003) <https://www.sentencingcouncil.org.uk/about-sentencing/types-of-sentence/custodial-sentences/>

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be less respected as a punishment. It is unhelpful to generalise crime and appropriate punishments – each instance must be considered on a case by case basis.

Non-custodial sentences can be seen to be too 'soft' on offenders. The think-tank 'Policy Exchange' argues that community sentences are "a joke". In 2011, it conducted a poll which suggested that 60% of the public think community sentences are either soft or weak<sup>45</sup>. In addition, research has shown that around 35% of the 11,000 community orders given out in England and Wales per month are not completed, often because offenders simply do not turn up, breach curfews, or are convicted of another offence<sup>46</sup>. This statistic emphasises how many offenders never complete their sentence due to lack of strictness from the court. In contrast, it has been argued that non-custodial sentences can offer more strenuous and regulated punishments. Angela Smith, service director at G4S Monitoring Technologies & Services in Scotland, argued that its new tagging system "is not a soft option. It is a restriction placed not only on offenders but also on their families... But it does allow [offenders] to stay with their families and maintain their jobs and keep relationships together."<sup>47</sup>. This emphasises how non-custodial sentences such as tagging still punish and are tough on offenders and their families but, as previously discussed in this chapter, allow offenders to maintain a normal, structured life.

Some argue that giving non-custodial sentences to offenders can also cause less psychological damage to both the individual and his/her family. Phil Bowen, the director of the Centre for Justice Innovation and a former senior civil servant, said that "community sentences work because they keep people in their relationships, their accommodation and in work"<sup>48</sup>. When offenders are sent to prison, it is often family members that feel the strain. The family are then at higher risk of breaking down. In addition to this, when offenders are sent to prison, they often lose their job if they had one, whereas with non-custodial

<sup>45</sup> M. Easton, 'Community or custody? A tough question', *BBC News*, 12 September 2011  
<http://www.bbc.co.uk/news/uk-14886720>

<sup>46</sup> A. McFarlane, 'Can community sentences replace jail?' *BBC News*, 16 August 2010,  
<http://www.bbc.co.uk/news/magazine-10725163>

<sup>47</sup> L. Adams, 'Proposals to increase electronic tags in Scotland', *BBC News*, 4 October 2016  
<http://www.bbc.co.uk/news/uk-scotland-scotland-politics-37544706>

<sup>48</sup> O. Bowcott, 'Non-custodial sentencing falls sharply in England and Wales', *The Guardian*, 3 Nov 2017  
<https://www.theguardian.com/society/2017/nov/03/non-custodial-sentencing-falls-sharply-in-england-and-wales>



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sentences offenders can keep their jobs while still completing their sentence. This prevents a financial strain on both the offender and his/her family. All of these problems, associated with prison sentences such as breaking up families' relationships and their incomes, can often cause offenders to return to crime after being released. As David Strang, Scotland's Chief Inspector of Prisons, has said, "prison can increase the likelihood of reoffending more often than reduce it"<sup>49</sup>. It is important for offenders to have ambitions and aspirations for their lives outside of the prison walls.

#### Concluding this chapter

Overall, non-custodial sentences offer a more effective way of dealing with certain types of offenders. For those who haven't committed a crime but are at high risk of doing so, early intervention methods have been proven effective. This has been backed up with the success of Karyn McCluskey in reducing gang crime in Glasgow. Furthermore, the use of non-custodial sentences has been proven effective in reducing reoffending for low level, persistent offenders. It is also beneficial for providing extra help and support for drug and alcohol addicts, and will prevent them from repeating crime. For women especially, non-custodial sentences are successful for addressing underlying issues more effectively. Non-custodial sentences also have a less detrimental effect on offenders' psychological wellbeing, and has a less negative impact on offenders' family members. However, non-custodial sentences do not work for all types of offenders. Prison should still be used for the most serious and violent criminals, and for those who are unsuccessful using non-custodial sentences.

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<sup>49</sup> Scottish Legal News, 31 July 2017, <http://www.scottishlegal.com/2017/07/31/david-strang-calls-for-sentences-under-12-months-to-be-scrapped/>

Overall Conclusion

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From the questions explored above, it is clear that certain aspects of prison are flawed, and that alternative punitive methods may be a better option for less serious offenders.

Less serious offenders should be convicted using alternatives to prison, while more serious offenders should go to prison but with greater access to rehabilitation programmes. This would help to prevent reoffending. Current high crime rates in the UK cost taxpayers a huge amount of money. Reoffending in particular consumes a great deal of taxpayers' money. Less serious, non-violent offenders posing less of a risk to public safety should be treated with non-custodial sentences. Offering non-custodial sentences to some prisoners would reduce overcrowding in prisons, allowing more serious offenders to be given further help and support and helping to lower their reoffending rates. Reducing overcrowding would help prisons to operate more effectively, and also save a great deal of taxpayers' money. Prison has a number of financial and social costs for offenders and their families, putting considerable pressure on them. Recipients of non-custodial sentences will be less at risk of psychological effects than those in prison. Their families will also be less affected, both emotionally and financially. More serious and violent offenders, on the other hand, should be imprisoned in order to deliver justice to their victim(s). However, while it is said that prison provides safety for the public, this is debatable as some prisoners can become more criminalised during their time in prison. Rehabilitation programmes within prisons should be used to help convicts to change their ways, keeping them and their communities safer. It is unhelpful to make generalisations about crime in the UK - instead, we must assess each case by its own merit. While prison should not be dismissed as an effective punishment for offenders, it is important to understand how alternative measures can help to rehabilitate offenders and prevent them from returning to crime in the future.

Evaluating research methods

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PRIMARY

For primary research, a semi- structured interview was conducted with criminal lawyer, Tony Callahan from 'Renfrew Defence Lawyers'. The words of the interviewee were recorded and noted. The structured format allowed the interview to flow well and in good timing, as well as making sure the interviewee did not go off on a tangent from the questions asked. It was also beneficial to get a professional lawyer's opinions.

However, there were disadvantages to using structured interviews. The structured format discouraged the interviewee from discussing other aspects of prison and alternative methods that were not asked about, which may have been useful information. In addition, if the interview had been more unstructured the interviewee would be able to go into greater depth and detail in their answers. While this interview gave qualitative data, there was not a lot of quantity. As well as this, and despite the structured nature of the interview, some interesting yet irrelevant information to this dissertation was given so could not be used. It also took also very time consuming to complete the interview.

For another source of primary research, an informal group discussion was conducted with, Andy Brown, Residential Manager, HMP Perth, on a prison trip. However, a lot of information in the group discussion was interesting yet not directly useful for this dissertation. Therefore, only the most important and appropriate parts were noted. Getting information from someone who works in prisons first hand was very useful as his valid views and opinions were extremely valid for my research.

As another primary source, an online survey was conducted using 'Smart Survey'. A variety of questions were asked about alternatives to prison. This was a quick and easy research method to get opinions of the public. It was also free to conduct the survey. A variety of ages were used to get a more reliable result. There were interesting results given and noted. However, it could have been improved with a higher response rate. In addition, for the open ended questions a wide mix of opinions were given, making it hard to compare the results

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but also showing how the general public all believe in different solutions to crime. It was also possible that questions could be misread or interpreted in different ways. A mix of multiple choice and open answer questions were used. This was so I could compare results but also get some more in depth and detailed answers and opinions. I also made the survey more ethical by letting the people taking part know they did not have to answer questions they did not want to answer. This increased the ethicality of the survey, however stopped some participants giving their views on certain questions.

### SECONDARY

The use of internet was very helpful due to its easy accessibility. The UK Government Ministry of Justice was particularly useful. There was a lot of information useful to this dissertation as well as a wide range of statistics and quotations. It was also a reliable source as it was from the Government and by law they must publish reliable information. Other websites were also useful. However, since the internet is open to the public, it has the potential to have false or made up information, making it unreliable. As well as this, some websites may be bias or missing out some information, from counter arguments for example, such as news websites. To tackle this, I tried to use as many government websites as possible in order to get legitimate information. In addition, many internet sources were out-of-date, and it was difficult to find more recent, and therefore valid, statistics.

Online newspapers as a secondary source were useful as they too gave a lot of statistics, quotations and information. However, all newspapers are open to bias and have been accused of doing so in the past. For example, the Guardian, which has been used a lot throughout this dissertation, has been accused of favouring left wing views. Therefore, with using this Newspaper, not all arguments may have been shown. Views could have been one sided and less valid, therefore making newspapers less reliable.

The use of Books proved to be very useful. The information in the books was more reliable and legitimate when giving opinions and facts. 'Criminology' in particular was extremely useful. It had of facts related to this dissertation and explained points in depth and detail.

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Going through this books was also interesting. However, the use of both books was very time-consuming and not all sections in the books were useful to this dissertation.

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#### Interviews:

Semi-structured interview with Tony Callahan, Criminal defence lawyer, Renfrew Defence Lawyers, 22/02/18

Group discussion with Andy Brown, HMP Perth, Residential manager 9/11/17

#### Survey:

'The public's view of crime and prison' - made on 'Smart Survey'. Completed by 43 people. Results shown in appendix 2

### **Secondary**

#### Publications/reports

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Appendix I

Semi-structured interview with Criminal Lawyer, Tony Callahan

In order to improve ethicality, the interviewee was told that they did not have to answer any questions that they did not want to.

1. Do you believe reoffending is a big problem with criminals in the UK?

I do consider that re-offending is a big problem with many criminals in the Scotland where I practice Law. The term used to describe this is recidivism. There are many factors in relation to why people repeatedly commit crimes.

2. Have you seen a vast amount of reoffending with offenders you have dealt with?

The majority of our clients are people who offered on more than one occasion some of whom offend on a very regular basis and have antisocial attitudes. It must also be said however that a number of my clients only ever have one case and never re-offend again.

3. Would you say a majority of your clients crimes are due to alcohol and/or drugs?

Many of my clients have alcohol or drug problems and this can be a factor in relation to crimes committed by them. On some occasions the alcohol or drug problem is the only factor in there offending. There are however people who commit offences who do not have any alcohol or drug problems. There are various types of crimes any on some occasions drugs and alcohol can be more significant factors than others. It is difficult however to provide you with an exact percentage for example many of our clients have mental health problems or personality disorders

4. Personally, would you prefer less dangerous criminals (e.g. Drug related crimes, shoplifting etc.) to be sent to prison to be punished or for them to be sentenced with alternative methods such as tagging or community sentencing?



I would prefer that less serious crimes are not dealt with by way of prison sentencing being imposed by the court. It must be said that less serious offences are not dealt with by way of prison sentences for example, people can be fined, tagged in the community or be placed under supervision of the local authority or require to complete unpaid work in the community. The courts in general do not send less dangerous criminals to jail.

5. Have you ever seen devastating impacts on the family members of criminals sent to prison?

Yes. In some occasions when a person is sent to prison they can be the only wage earner in the family. When they are sent to prison the family can become dependent on state benefits and on some cases the family lose their home as they can no longer afford to pay their rent or mortgage.

6. What alternative method to prison do you think is most affective and why?

The most effective alternative method to prison is what's known as a community payback order. This lasts for a period fixed by the court and can require the offender to co-operate with a social worker who in turn can force the offender to seek help with any problem they may have such as drugs, alcohol or mental health.

7. What alternative to prison do you think is least effective and why?

It's often argued that by fining someone the punishment can be felt by other in their family such as their children. Also, there is a fairly high percentage of fines imposed by the courts which are never paid by the offenders.

8. Have you heard about any rehabilitation programmes put in prisons? If so, what are they?

Yes, there are various rehabilitation programmes put in place in prison. These can often relate to drugs or alcohol addictions. There is also a violence prevention programme which is often undertaken by persons convicted of violent offences. Quite often when a prisoner applies to be released from their sentence on parole they must show the parole board they have completed such rehabilitation programmes.

9. Would you say a majority of offenders are from poorer backgrounds?

Yes I would say that poverty can be a significant factor in offending. It is difficult to state categorically that being from a poorer background would make one necessarily a criminal but it is often a factor. It would be difficult again to give you an exact percentage or to state that a majority of offenders are from a poorer background as there can be various reasons why a person may commit a particular criminal offence.

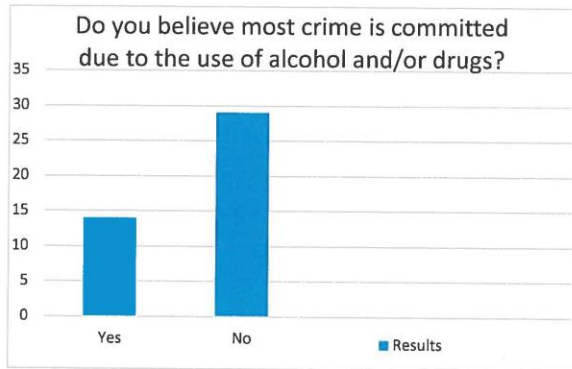
10. Do you think prison causes the majority of offenders to start or escalate mental problems?

Obviously to deprive someone of their liberty can cause mental health problems and that a number of prisoners already have existing mental health problems that can escalate. It can also be said however that prisoners with mental health problems can often receive treatment whilst in prison which they would not otherwise seek out themselves when at liberty. I would say that the majority of prisoners do not suffer from serious mental health problems.

Appendix 2- Survey results

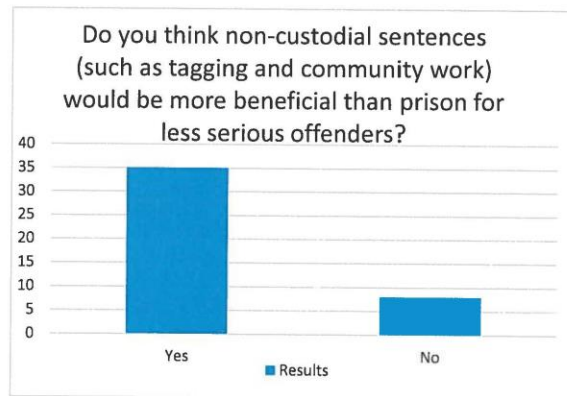
A total of 43 people took part

For this survey, an option of not answering the question was given in order to improve ethicality.



**Do you believe most crime is committed due to the use of alcohol and/or drugs?**  
100% answered

**Do you think non-custodial sentences (such as tagging and community work) would be more beneficial than prison for less serious offenders?**  
100% answered



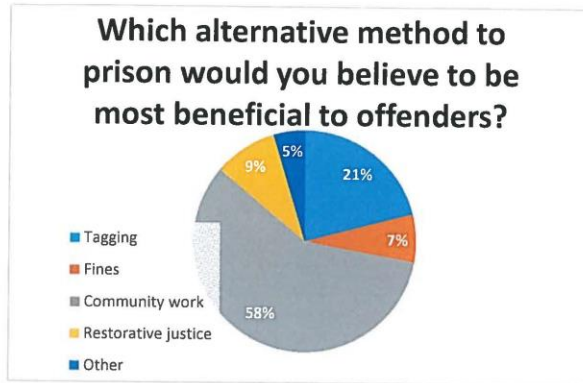
**'Why do you think this?'**  
95% answered

**'Why do you think this?'**

A wide range of answers were given. For the people who answered 'yes', similar answers were given about prison's high cost, high reoffending rates and how non-custodial sentences can still punish offenders. Answers included: 'Reoffending rates for minor offences are highly after jail. Prison doesn't work.', 'Tagging and community work can still teach offenders a lesson, and cost the state less.', and 'Because prisons often breed worse behaviour e.g. people become addicted to drugs in prison, meet other hardened criminals learn their ways etc.'. For the people who answered 'no', an emphasis was put on how prison punishes offenders more and makes them realise how serious their offending is. Answers included: 'Tagging and community work may not let them realise how serious any crime is.' And 'Prison is more of a punishment. Community service and tagging is a small price to pay.'

**'Which alternative method to prison would you believe to be most beneficial for offenders?'**

100% answered



**'Why do you think this? (If said other say which method here)'**

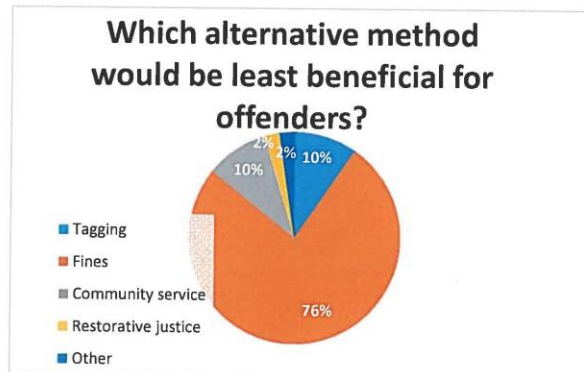
A range of answers were given. For the majority (those who chose community work) answers were given while mentioning giving back to the community, preventing problems that can occur in prison and giving them purpose and structure. Answers included: 'It is valuable for community, integrates offenders into the community and gives them positive purpose' and 'It gives back to the community they have taken something from in some way or another and doesn't cost terribly much'. Answers for fines included 'Most offenders are not well off so after the fine had been taken the majority of offenders will know they can't do the same again. The answers for restorative justice included: 'Restorative justice can sometimes hit home emotionally with offenders'. Answers for tagging included 'the offender can be punished and watched without the negative aspects prison brings'. Answers for 'other' included: 'I don't think one will work better than the other, I think it needs to be looked at case by case'.

**'Why do you think this? (If said other say which method here)'**

91% answered

**'Which alternative method to prison would you believe to be least beneficial for offenders?'**

98% answered



**'Why do you think this? (If said other say which method here)'**

The majority of people voted for fines for similar reasons. Answers include: 'If the criminals have the money then it will not affect them. Also, they may be encouraged to commit further crime in order to get the money they need.', 'Crimes tend to be committed by those from poorer backgrounds, these fines will just plunge them deeper in poverty.' and 'This does not act as a deterrent to those who are financially stable and therefore acts as a bias towards those who are lower in the socio-economic scale.' Those who voted for community service

**'Why do you think this? (If said other say which method here)'**

91% answered

or tagging had similar reasons including 'Because it won't change them as a person so they could easily just do it again.' And 'The punishment isn't firm enough especially if they have committed something such as murder'. The reason for the 'other' vote was justified with 'I think it depends on the circumstances'.

**'Do you think early prevention methods (e.g. giving extra support to those at risk of offending) would be beneficial?'**

100% answered

