



# No Winners

The reality of short term prison sentences

## Summary

## the **Howard League** for **Penal Reform**

### Key points

- Many prisoners stated a preference for a short prison sentence over a community sentence on the basis that they are easier to complete. Some prisoners considered community sentences to have been more of a punishment because it had 'put them out more'.
- Serving a number of short prison sentences may reduce the ability of prisoners to take responsibility and leads them to believe that reoffending and a return to prison are inevitable.
- The majority of prisoners reported the day-to-day reality of serving a short prison sentence to be boring, leading to disillusionment and demotivation.
- Some prisoners were keen to complete courses but most reported that they were not available. Prisoners expressed frustration at this on the basis that they left prison the same as they were when they came in.
- Many staff were upset at the damaging impact that short prison sentences could have on prisoners' lives, especially where men had lost their homes, their jobs and it had led to family breakdown.



## Background

Every year over 60,000 adults receive a short prison sentence of less than 12 months. These prisoners usually serve half of their sentence in custody and the remainder in the community. Although they can be returned to prison during the second half of their sentence if they commit another crime, they are not subject to post-release supervision or intervention from probation (unless they are aged between 18 and 21 years). While in prison, the short time available often means there is little opportunity to adequately address the needs of this population, with limited access to offending behaviour programmes, education and work (Lewis et al, 2003; National Audit Office, 2002, 2008, 2010; Social Exclusion Unit, 2002). On release, short sentence prisoners often face a number of barriers to their resettlement, highlighting that 'those serving short sentences, receive little practical support, before release or afterwards' (Social Exclusion Unit, 2002). This is despite the fact that short sentence prisoners have the highest re-conviction rates amongst adult prisoners (Lewis et al, 2003; National Audit Office, 2010).

In 2009, the Commission on English Prisons Today called for 'radical and transformational change' and for short prison sentences to be replaced with community penalties (Howard League, 2009:6). In the same year a motion was passed by the Prison Governors' Association (PGA) to abolish prison sentences of 12 months and under on the basis that they do not work. Since then, a number of other key stakeholders have also expressed concern about the ineffectiveness of short prison sentences, including NAPO (the Trade Union and Professional Association for Family Court and Probation Staff) and the Howard League for Penal Reform. Following the new coalition government and Kenneth Clarke's appointment as the Justice Secretary, a full review of sentencing and rehabilitation policy was promised (Hansard, 2010) leading to the publication of a green paper entitled *Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders* in December 2010 (Ministry of Justice, 2010a). It is within this context that this research sought to give further consideration to the reality of short term imprisonment from the perspective of both prisoners and prison staff.

## Research aims

In May 2010 the Howard League for Penal Reform, in collaboration with the PGA, commissioned a piece of research to consider the reality of short term imprisonment from the perspective of prisoners, prison staff and prison governors. The research was interested to explore three key research questions:

- What are the day-to-day experiences and views of male prisoners serving short term prison sentences of 12 months and under?
- What are the views of prison staff working with male prisoners serving short term prison sentences of 12 months and under?
- What are the views of PGA members and other key stakeholders regarding short term prison sentences of 12 months and under?

## Study design

In order to explore these key questions the study relied on a number of interlinked investigations. These were:

- an interview survey of short sentence prisoners;
- an interview survey of prison staff;
- an electronic questionnaire survey of PGA members; and,
- an electronic questionnaire survey of other key stakeholders.

This research was conducted with prisoners and prison staff in three male prisons in one National Offender Management Service (NOMS) region. The three study sites were selected on the basis that they all held male prisoners serving prison sentences of 12 months and under. At each site fieldwork was completed by an independent academic and a small team of retired prison governors. Interviews ranged from between 30 and 60 minutes. A total of 44 interviews with short sentence prisoners and twenty-five with prison staff were conducted.

This report presents the findings of the interview surveys with short sentence prisoners and prison staff only. The findings from the electronic questionnaire surveys of PGA members and other key stakeholders will be reported elsewhere.

# Key findings

## The views of prisoners serving a short sentence

- Some prisoners were critical of their sentence as they did not consider the courts to have properly taken their individual circumstances into account. It was apparent that this sense of injustice restricted the extent to which they accepted and learnt from their prison sentence.
- Although short sentence prisoners represent a diverse group, two distinct groups can be observed – those serving their first (short) prison sentence (the first timers) and those who have served a number of previous custodial sentences (the revolving door prisoners).
- The first timers were unanimous that this was their first and last prison sentence. It was evident that these men struggled with their imprisonment more than those who had been in prison before. Many prisoners reported having lost their jobs and/or housing as a result of their imprisonment. These men were often resentful and concerned about how to address this on their release. Most suggested that the first few weeks were the hardest, after which they found their imprisonment far easier to cope with.
- It was evident that the revolving door prisoners often had little to look forward to on their release from prison. It was apparent that for some men their quality of life was better in prison than it was in the community. The findings suggest that serving a number of short prison sentences may reduce the ability of prisoners to take responsibility for their repeat imprisonment and lead them to believe that reoffending and a return to prison are inevitable.
- The majority of prisoners reported the day-to-day reality of serving a short prison sentence to be boring. Many reported that they engaged with few activities and spent considerable amounts of time in their cell. Many were disillusioned and de-motivated by long waiting lists for courses and the limited job opportunities in prison.
- Prisoners reported that their imprisonment was easier to cope with if they were able to receive letters, phone calls and visits from their friends and family, associate with other prisoners, undertake a prison job or engage with educational or work-related courses.
- Some prisoners were keen to complete courses relating to anger management, enhanced thinking skills and offending behaviour. Most reported that they were not available. Prisoners expressed frustration at this on the basis that they left prison the same as they were when they came in.
- The majority of prisoners reported that they felt safe in prison and got on well with other prisoners and staff.
- Many prisoners reported drug and/or alcohol problems, with more than half the sample attributing their offending to this.
- Many prisoners, particularly those who came into prison with drug problems, expressed concern that they would be returning to the same local areas where many of their peers also took drugs and/or were involved in offending. Prisoners were unanimous in their negative views of hostels. All expressed concern about high levels of drug use and offending by other hostel residents and that this would increase their likelihood of reoffending.
- For those in contact with their families, all were concerned about the impact that their imprisonment had had on them. The majority of the prisoners had children and they were often very concerned about these relationships while they were in prison. Many said they did not want their children to visit them in prison but that they missed them greatly.
- The majority of prisoners identified themselves as single, although it became apparent that several prisoners had separated from their partners following their imprisonment. Those who spoke openly about this reported that it had made their time harder to serve and that it gave them less to look forward to on their release.
- Some prisoners commented that prison had offered them the opportunity for time-out of their normal lives and to get their head 'straight'. Many also indicated that prison had helped improve their health and enable them to come off drugs.

## Prisoner experiences of and views about community sentences and probation

- Nearly three-quarters (72.7%, n=32) of the sample had previously served a community sentence and nearly a third (29.5%, n=13) had received their current sentence following some kind of breach.
- Prisoner views about community sentences were incredibly mixed. Some did not consider them to be sufficient punishment, while others considered them to be 'tiring, boring and pointless'.
- Several indicated that community sentences were harder to complete than a short prison sentence because of the need to keep to appointments and the length of time over which community sentences are completed. Some highlighted that it was hard to comply with community sentence because they had to manage their day-to-day lives and the factors that had often led them to offend (most commonly drug use). Some also stated that they had previously had poor

relationships with probation officers and that it was too easy to be breached on a community sentence. This led many prisoners to state a preference for a short prison sentence over a community sentence on the basis that they are easier to complete.

- Others were more positive about community sentences. Positive factors included keeping their jobs and housing, while others felt their needs and offending-related attitudes had been tackled as a result of completing community sentences. Some also considered community sentences to have been more of a punishment because it had 'put them out more'.

The views of prison staff about short prison sentences

- The most common theme expressed by staff was one of frustration about not being able to do very much with short sentence prisoners. Staff also complained of the high volume of administration generated by short sentence prisoners and expressed frustration that prison targets would not be met if they focused more attention on short sentence prisoners.
- Many staff were upset at the damaging impact that short prison sentences could have on prisoners' lives, especially where men had lost their homes, their jobs and it had led to family breakdown. Moreover, staff noted the fact that many prisoners, particularly the revolving door prisoners, had a multitude of problems on the outside, including homelessness, drug addiction and poor family relationships.
- Staff indicated that a short prison sentence may sometimes serve as a shock for 'first timers' but that it was often unnecessary because they frequently considered these men to be less likely to reoffend (irrespective of having been sent to prison). Staff suggested that the potential deterrent effect of a short prison sentence is

quickly lost, even during the first prison sentence. Some also indicated that short prison sentences could encourage offending by 'consolidating the criminal intent'.

- Staff suggested that there could be benefits from short prison sentences particularly with regard to demonstrating to victims and the wider community that justice had been done, removing prisoners from the community thereby providing a brief respite and enabling prisoners to detox from drugs and improve their generally poor health.
- Staff expressed concern that there was often little continuity of care in the community following a prisoner's release from custody. This was either attributed to the absence of supervision and follow-up on release, limited resources and external agencies in the community or to the notion that prisoners had little motivation to engage with external agencies on their release.
- Several staff described small scale mentoring schemes where volunteers in the community would help ex-prisoners on release. Staff suggested that these schemes were often very positive and that their use should be extended. Others suggested that restorative justice approaches showed promise and that it was important for short sentence prisoners to better realise the impact of their crimes on victims and the wider community.
- Some staff suggested that short sentence prisoners needed to be offered a greater range of programmes to deal with their thinking skills, anger and offending behaviour.

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