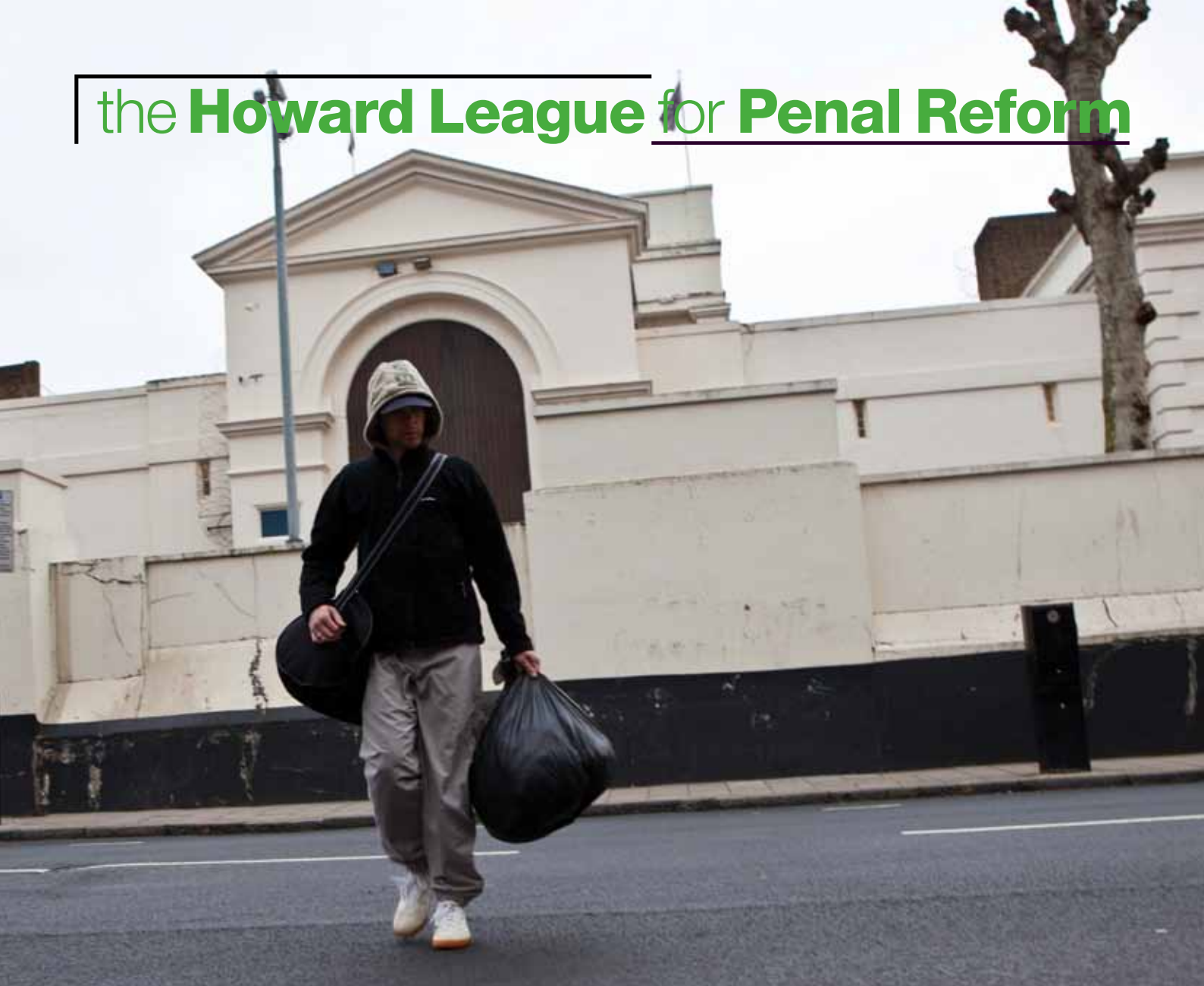


the **Howard League** for **Penal Reform**



No winners

The reality of short term prison sentences



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A report written for the Howard League for Penal Reform by Dr Julie Trebilcock,
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No winners

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Executive summary

1. 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.

2. 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?

3. 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.

4. 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 sentences 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.

1. Background

1.1 Context

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).

Following the Halliday Report (Home Office, 2001) and the Criminal Justice Act 2003 (CJA 2003), some considerable discussion has surrounded short prison sentences and their effectiveness. The Halliday report (*ibid.*) expressed concern about the effectiveness of short prison sentences and recommended they be replaced with 'custody plus', a sentence which would consist of a period in prison followed by a period of compulsory supervision in the community. Although provisions for custody plus were enacted in the Criminal Justice Act 2003 they have not been implemented because of funding issues and the prioritisation of prison and probation resources for serious offenders (Home Office, 2006; House of Commons Justice Committee, 2008).

The CJA 2003 also set out new arrangements for community sentences in an attempt to 'encourage a switch away from short term imprisonment' (House of Commons Justice Committee, 2008:32). Under the CJA 2003 the Community Order replaced a number of community sentences previously available to the courts. A community order can now consist of one or more of 12 possible requirements. These are: unpaid work; supervision; accredited programmes; drug rehabilitation; alcohol treatment; mental health treatment; residence; specified activity; prohibited activity; exclusion; curfew and attendance centre¹. Eighty-five per cent of orders comprise of one or two requirements with the most frequent requirements being supervision (37%) and unpaid work (31%) (Seymour and Rutherford, 2008). Requirements may last as long as three years and in the event of a breach, the courts have the option to re-sentence. This can include a custodial sentence. However, despite these legislative changes, there has been no evidence of a shift towards the use of community sentences over short prison sentences (House of Commons Justice Committee, 2008). Indeed, between 2007 and 2008 Ministry of Justice statistics (2009) reveal that the short sentence prisoner population increased by fifteen percent.

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

¹ See Mair and Mills (2009) for more information about the Community Order.

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).

1.2 Characteristics of short sentence prisoners

In 2008 the Ministry of Justice published the findings from a large national longitudinal survey of newly sentenced adult prisoners. This survey aimed to consider how prisoners' problems were addressed while they were in custody and the effect of any interventions on reoffending and other outcomes. The analysis makes direct comparison between short sentence prisoners serving 12 months or less and prisoners serving longer sentences. When compared with prisoners serving over 12 months, short sentence prisoners were more likely to be unemployed, less likely to be married or living with a partner prior to their sentence and more likely to be homeless or living in temporary accommodation (Stewart, 2008). Levels of drug misuse were also higher amongst short sentence prisoners (HMI Prisons, 2001) with higher levels of reported heroin, non-prescribed methadone and crack cocaine use (Stewart, 2008). Levels of alcohol use were also reported to be higher amongst the short term prison population (Stewart, 2008; See also HMI Prisons, 2001; 2010).

The majority of short sentence prisoners are convicted of theft or violent offences (NAO, 2010). Many have a number of previous convictions and have been in prison before. Indeed, 42% of prisoners serving six months or less in prison have 15 or more previous convictions (Ministry of Justice, 2009). Although short sentence prisoners represent a minority of the prison population at any one time, because of the high turnover of this group they make up the majority of discharges from prison each year. In 2008 those serving 12 months or less represented 66 per cent of those received into prison under sentence (Ministry of Justice, 2009). Unsurprisingly then, they use up a significant amount of prison resources (House of Commons Justice Committee, 2008; Prison Reform Working Group, 2009).

1.3 Previous research about the effectiveness of short prison sentences

Previous research indicates that many community sentences provide similar or better value for money and effectiveness than short term prison sentences (Matrix, 2009). The latest Ministry of Justice (2010b) statistics revealed that when all short custodial sentences (under 12 months) and court order commencements under probation supervision in 2007 were compared, statistical analysis demonstrated that court orders were more effective (by seven percentage points) for similar offenders at reducing reoffending rates within the first year. The same report also found that the reconviction rates of those serving short prison sentences of under a year had risen from 58 per cent in 2000 to 61 per cent in 2008 (Ministry of Justice, 2010b). Others report that the reconviction rates for prisoners serving less than a year are seventy per cent compared with thirty-eight per cent for those sentenced to carry out unpaid work (House of Commons Justice Committee, 2008). The reconviction

rates for prisoners who have served 10 or more prison sentences is particularly high, most recently reported as 79 per cent (Ministry of Justice, 2010c).

In 2010 the National Audit Office (NAO) published a report which considered how well the National Offender Management Service (NOMS) meets the needs of short term prisoners while in custody and the extent to which a short prison sentence helps reduce the risk of reoffending. It estimated that the social and economic costs of reoffending by short sentence prisoners released from prison were between £7–10 billion a year (National Audit Office, 2010). The report found that there was wasteful repetition in terms of assessment of the needs of short sentence prisoners. This was particularly true for prisoners who transferred between different establishments during their sentence. The NAO found that the majority of prisoners in the sample reported feeling safe while in prison and that all prisoners were checked for severe mental illness and suicide risk on arrival to prison. However, the wider induction procedures were considered to vary considerably between prisons with a significant minority of short sentence prisoners considering them to be inadequate. The provision of activities was also found to vary across different prisons but generally was considered to be inadequate in meeting Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons) healthy prison tests (see figure 1)².

Figure 1

Her Majesty's Inspectorate of Prisons for England and Wales healthy prison tests

- **safety:** prisoners, even the most vulnerable, are held safely
- **respect:** prisoners are treated with respect for their human dignity
- **purposeful activity:** prisoners are able, and expected, to engage in activity that is likely to benefit them
- **resettlement:** prisoners are prepared for release into the community, and helped to reduce the likelihood of reoffending

Safety covers topics such as self harm, management of substance misuse and the protection of vulnerable prisoners. Respect topics include staff and prisoner relationships, diversity, race equality, applications and complaints. Topics covered by purposeful activity include educational activities, work and time out of cell. The last healthy prison test, resettlement, looks at the extent to which resettlement needs, such as accommodation, employment, drug treatment and offending behaviour, are managed.

² These tests form part of HMI Prisons published 'Expectations' criteria. Prisons are subject to routine inspections by HMI Prisons, an independent inspectorate which reports on conditions for and treatment of men and women detained in prison, young offender institutions (YOIs) and immigration detention facilities. On each test, a prison is assessed as performing either well, reasonably well, not sufficiently well, or poorly. See http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/expectations_2009.pdf

The NAO report also considered the extent to which seven reoffending pathways (see figure 2) are addressed by a short prison sentence. Building on the findings of the Social Exclusion Unit's (2002) Reducing Re-offending by Ex-Prisoners report the Ministry of Justice published the Reducing Re-offending Delivery Plan in 2005 which set out seven pathways that need to be addressed to help reduce reoffending. The NAO report considered there to be a good match between the reducing reoffending pathways and the needs of short sentence prisoners. However, with the exception of drug services, it suggested that prisoners were not provided with appropriate assistance during their sentence noting that 'waiting lists are the norm for most forms of assistance' (NAO, 2010:28). The NAO found that between a third and a half or all short sentence prisoners were not involved with courses or a prison job. As a result they spend the majority of their day in their cell. The report was also critical that prisons were unable to tell them what interventions prisoners actually receive. Similarly, the report found that while prisons had the potential to make a positive difference, they made no assessment of the effectiveness of the interventions they offer. Finally, the report generally considered the links between prisons holding short sentence prisoners and community-based services to be limited and inconsistent. The report lent support to the findings of HMI Prisons and HMI Probation (2001:21) 10 years ago who observed that:

... these offenders are not only the most numerous, they are also likely to have the greatest resettlement needs (in relation to mental health, abuse of drugs including alcohol, debts, and lack of accommodation, employment, education and labour market skills); and are most likely to reoffend and thus be reconvicted.

Figure 2:

National Offender Management Service (NOMS) Re-offending Pathways

- Accommodation
- Education, training and employment
- Health
- Drugs and alcohol
- Finance, benefit and debt
- Children and families
- Attitudes, thinking and behaviour

A recent study conducted by Armstrong and Weaver (2010) in Scotland with short sentence prisoners and offenders subject to community penalties provides further insights. The findings revealed high levels of drug and alcohol misuse, which many participants identified as contributing to their offending. Nearly all the participants identified the importance of their relationships with their family. Given a choice nearly all said they would prefer a community sentence over a short prison sentence. Many believed that they had been sentenced on their offending histories rather than on the basis of their current individual circumstances and the authors consider this to have 'negatively affected their sense of fairness and penal legitimacy' (Armstrong and Weaver, 2010:3). The authors concluded that it is 'the cumulative effect of doing many short sentences, more than the experience of any single sentence, which carries the largely negative impacts' (Armstrong and Weaver, 2010:3).

1.4 Study rationale

Although there have been a number of research studies which have considered how prisoners view, experience and respond to their imprisonment, these have tended to focus on prisoners serving longer sentences (see for example, Adler and Longhurst, 1994; Cohen and Taylor, 1972; Flanagan, 1995; Toch, 1995; Toch and Adams, 1989). Less is known about how short sentence prisoners experience and view their imprisonment (although see Armstrong and Weaver (2010) and National Audit Office (2010) for two recent examples). In light of this and recent discussions about the effectiveness of short term prison sentences, our research aimed to give further consideration to the reality of short term imprisonment from the perspective of both short sentence prisoners and prison staff.

2. Method

2.1 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?

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

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 a 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 25 with prison staff were conducted.

2.3 Interview survey of short sentence prisoners

Interviews were completed with 44 male prisoners across the three prisons. All were serving a prison sentence of 12 months or less. The sample was diverse and included men of different ages, those with and without drug and alcohol problems, first-time offenders and those who reported having been in prison many times before. The key themes explored in the interviews with short sentence prisoners were as follows: their current experiences of serving a short term prison sentence; prisoner accounts of the circumstances under which they found themselves in prison; reported access to services and support in prison; their relationships with prison staff and other prisoners; their previous experience of community based and/or prison sentences; and their anticipated access to services following their release.

2.4 Interview survey of prison staff

Researchers completed interviews with a total of 25 staff members across the three prisons. The aim was to speak with a range of staff with different levels of experience and different professional backgrounds. The final staff sample included prison officers, teachers, resettlement staff and chaplains. The key themes explored in the interviews with prison staff include their professional backgrounds and roles with short sentence prisoners, their experiences of working with short sentence prisoners and their views about the pathways of short sentence prisoners. Interviews also explored staff views about the issues encountered in the management of short sentence prisoners, the provision of activities at the establishment, the extent to which prison staff are able to address the needs of short sentence prisoners, their views about how short prison sentences can be deployed most effectively and their views about the provision of support in the community

3. The views of prisoners serving a short prison sentence

3.1 Characteristics of the prisoner sample

Forty-four prisoners consented to take part in an interview about their experience of serving a short prison sentence. The sample was a diverse group. The mean age of the sample was 32.7 years, ranging between 21 and 67 years. Seventy-five per cent (n=33) of the sample reported that they were single, 13.6% (n=6) that they were in a relationship and the remainder (11.4%, n=5) that they were married. The ethnicity of the sample was overwhelmingly White with 88.6% (n=39) of respondents identifying themselves as White British. The remaining five participants in the sample identified themselves as: Asian Muslim, Bangladeshi British, Black British, Black African and Kosovan.

Table 3.1: Socio-demographic characteristics of prisoner sample

	n=44	
Characteristic	n	(%)
Age at time of interview (years)		
Mean age	32.7 years	
Age range	21-67 years	
Ethnic Group		
White British	39	(88.6%)
Other	5	(11.4%)
Marital Status		
Single	33	(75.0%)
In a relationship	6	(13.6%)
Married	5	(11.4%)
Housing status		
Rented accommodation	18	(41.0%)
Home owner	3	(6.8%)
Hostel	1	(2.3%)
Living with parent(s)	6	(13.6%)
Living with friends	9	(20.5%)
Living on the streets	7	(15.9%)
Employment status		
Unemployed	25	(56.8%)
Employed	17	(38.6%)
Retired	1	(2.3%)

The housing status of prisoners prior to their sentence varied enormously. Forty-one per cent (n=18) reported that they were living in rented accommodation prior to their sentence. Only three men (6.8%) owned their own homes. A further 13.6% (n=6) of the sample were previously living at home with one or both of their parents. One man (2.3%) reported that he was living in a hostel prior to his sentence. Over a third of the sample (36.4%, n=16) reported that they had no fixed abode at the time of their sentence. Of these, the majority reported living with friends (20.5% of the full sample, n=9) and the remainder as homeless and living on the streets (15.9% of the full sample, n=7).

Just over half (56.8%, n=25) of the participants reported that they were unemployed prior to being sentenced. Of the remaining participants, 17 (38.6% of the sample) were employed prior to their short prison sentence, one was registered as a full-time student and the other had retired.

The majority of the sample, especially those who had previously served a custodial sentence, described how they had experienced many difficulties prior to their sentencing. Often these had started in childhood. Many reported that they had been previously been placed in care, had limited contact with either one or both of their parents (as a result of death, imprisonment or abandonment), or had left school without any qualifications. A small number of prisoners also revealed that they had previously been treated by mental health services. In addition, a high number of prisoners reported drug and alcohol misuse, with at least half the sample linking their offending with their use of illegal drugs and/or alcohol. A number of prisoners also reported that financial problems (whether they were linked with drug and alcohol misuse or not) had also played a significant part in their offending.

Table 3.2: Offence type and sentence length of prisoner sample

	n=44	
	n	(%)
Offence type		
Violent offence	11	(25.0%)
Drug offence	4	(9.1%)
Driving offence	6	(13.6%)
Sexual offence	6	(13.6%)
Theft)	12	(27.3%)
Burglary	3	(6.8%)
Other	2	(4.6%)
Sentence length		
0-3 months	10	(22.7%)
4-6 months	19	(43.2%)
7-9 months	6	(13.6%)
10-12 months	9	(20.5%)

In terms of the offence for which each prisoner found themselves serving a short sentence, 11 men (25.0% of the sample) had been convicted of a violent offence. Most had been charged with an offence under Section 4 of the Public Order Act 1986 or convicted of Actual Bodily Harm (ABH) or Grievous Bodily Hard (GBH). Four prisoners (9.1%) had been convicted for the cultivation of cannabis. Six men (13.6%) had been convicted of a driving offence, most often drink driving or driving whilst disqualified. The same number of prisoners had been convicted of a sexual offence, including sexual assault, downloading indecent images, voyeurism and unlawful sexual intercourse. A total of 12 men (27.3%) had been convicted of theft, most often shoplifting. A further three (6.8%) had been convicted of burglary. Of the remaining two prisoners, one had been sentenced for using a false name and the other for criminal damage.

The sentence length of the men ranged from two weeks to 12 months. The majority were serving six months or less with 22.7 % (n=10) serving between 0-3 months, 43.2% (n=19) serving between 4-6 months, 13.6% (n=6) between 7 and 9 months and the remaining 20.5% (n=9) between 10 and 12 months. Prisoners were at all stages of their sentence with some due for release the day after interview and others having been in prison for less than a week.

The majority of the sample had served a prison sentence before. In all, 61.4% (n=27) identified that they had previously spent time in prison. The remaining 38.6% (n=17) had no previous experience of a custodial sentence. Of those who had previously served a prison sentence, the majority had served a short prison sentence, although a small number of prisoners reported having served longer sentences of up to seven years.

Table 3.3: Previous experiences of prison and community sentences

	n=44	
	n	(%)
Previous experience of serving a prison sentence		
Yes	27	(61.4%)
No	17	(38.6%)
Previous experience of a community sentence		
Yes	32	(72.7%)
No	12	(27.3%)

3.2 Prisoner views about the fairness of their sentence

While the majority of prisoners accepted they were guilty of the offence for which they had been sentenced, several participants described what they considered to be injustice at the stage of sentencing. Those who raised this issue often considered sentencing decisions to be based on the individual characteristics of magistrates and/or the judge rather than on the basis of pre-sentence reports. One prisoner observed:

The day I went to court, probation had said they had put in for me to have a community sentence and my solicitor says if that fails I am going to go for a suspended sentence. But the judge says he didn't want to know what probation says, he didn't want to know what my solicitor was going to say, he just give me 12 months ... why did he adjourn the

case for a pre-sentence report and then decide yeah you're going to [prison] anyway? You get me? It's all about the judge on the day (Dave, 37, cultivation of cannabis, 12 month sentence).

Several men also expressed frustration that they had been sentenced on the basis of their offending histories rather than their most recent offence and individual circumstances at the time of sentencing. It was apparent that this sense of injustice contributed to the extent to which these men are able to accept, engage with and learn from their imprisonment. This supports previous research in Scotland with short sentence prisoners which found that the perception amongst prisoners of having been sentenced on the basis of their criminal record 'negatively affected their sense of fairness and penal legitimacy' (Armstrong and Weaver, 2010:3).

3.3 Prisoner experiences of and views about the day-to-day reality of serving a short prison sentence

3.3.1 The impact of short term prison sentences on different prisoners

Analysis revealed that there were some important differences between those who were serving their first sentence (the first timers) and those who had previously served a number of prison sentences (the revolving door prisoners). Those serving their first prison sentence were unanimous that this was their first and last prison sentence. These prisoners were usually the most negative about their experience of serving a short prison sentence. This often followed from the frustration of having lost their jobs and/or housing because of their imprisonment. While some reported that their prison sentence had initially come as a shock, the majority also reported that they felt OK day-to-day and that in most cases, prison had not been as bad as they thought it might have been. Once they had got the first week or two out the way, begun to receive letters, phone calls and visits from family and friends, these men reported that their imprisonment had become far easier to manage. One prisoner, like many first timers, told us:

It was hard, the first week or two, but then I got used to it (John, 25, sexual and common assault, 10 month sentence).

Those who had served several prison sentences were unanimous that this prison sentence had not been a shock. Many also indicated that they would rather serve a short prison sentence than complete a community order. Several of those who had been in and out of prison over a long period of time reported that it was a lot easier to serve a sentence now than it was ten to twenty years ago. The main reasons for this followed from improvements in the regime, facilities and better relationships with staff. Many described completing a short prison sentence as relatively easy because it was something they were used to. One prisoner observed:

Not really [a shock] because I've been in and out of prison most of me life (Charlie, 45, failure to pay fine (for a driving offence), 3 month sentence).

These accounts of first-timers and revolving door prisoners indicate that over time and even within the first short prison sentence, the potential deterrent effect of serving a short prison sentence is lost. One prisoner told us:

I feel sorry for the people that are coming in on their first sentence because it just goes into a vicious circle. You end up talking to people like me who're institutionalised, and before you know it, you don't care about prison (Daniel, 26, theft, 10 month sentence).

3.3.2 Dealing with boredom

Prisoners who had experience of serving a short sentence in different prisons were keen to highlight that the experience of serving a short sentence could vary enormously. Prisoners also identified that the reality of serving a short prison sentence could vary from day-to-day. What was common across different establishments and different types of short sentence prisoner was the boredom involved with serving a short sentence:

[I'm] sick and tired and fed up of it to be honest. I'm just in me cell (Tom, 27, breach of community sentence order (for driving whilst disqualified), 22 week sentence).

Several younger prisoners, most often those serving their first custodial sentence, appeared to really struggle with the boredom and lack of freedom that followed from their imprisonment. Prisoners indicated that boredom made their prison sentence harder to serve. Prisoners spoke of their frustrations with having nothing to do and how they considered their time in prison to be wasted.

One prisoner confessed that he had started taking drugs after being sent to prison to help pass the time:

It's a boring life like. I came into jail with no drugs, never done smack or anything like that, and I come here and I tested positive for subutex³ and things like that ... But I came into jail with no drug habit ... [And can I ask why you started taking drugs?] I just didn't cope, I'd rather mong out than just sit in a cell (Andy, 23, street robbery, 12 month sentence).

Older prisoners suggested that their health problems made passing time in prison more difficult. One 62 year old prisoner described his sentence as '13 weeks of hell so far' (Edward, 62, harassment, 6 months), attributing much of this to chronic back pain. Another prisoner (Ian, 67, driving whilst disqualified, 3 months), aged 67 years serving his first prison sentence for over 30 years for driving whilst disqualified said that he felt 'knackered' and that his imprisonment was particularly difficult to cope with because he has arthritis, diabetes and glaucoma.

3.3.3 Access to education, offending related courses and prison jobs

The majority of prisoners spoke positively about the time allocated for association on the basis that it gave them the opportunity to speak and interact with other people. Unsurprisingly then, many prisoners reported that they tried to combat their feelings of boredom by signing up for work or education to maximise their opportunities for being out of their cell and give them something to help pass the time. However these men also reported that it could be difficult to get onto courses or secure jobs in the prison because of long waiting lists. One prisoner told us:

I think for people who are short term there should be more things, more courses and things they can do. Instead ... it is a waste of time me just sitting in my cell all day watching the telly (Jimmy, 32, actual bodily harm, 3 month sentence).

Prisoners expressed resentment that offending behaviour courses and jobs were difficult to come by and often given to prisoners serving longer sentences. Prisoners also complained about the lack of communication and clarity from staff about when courses and jobs may be available. Two prisoners, like many others in the sample, told us:

3 Subutex is the trade name for Buprenorphine Hydrochloride, an opioid (heroin or methadone) substitute, which was licensed for the treatment of opioid addiction in the UK in 1999.

If you're doing a short sentence nobody will bother with you (Jack, 28, shoplifting, 3 month sentence).

Short sentence prisoners don't get fuck all, don't get nothing do they ... because they're here for a bit and then they're going (Gavin, 29, breach of community sentence order (for theft), 10 month sentence).

Prisoners who had been able to take part in educational and offending behaviour courses reported that these had been helpful for developing a different outlook on their life situations. Several prisoners identified that they would like to attend anger management, motivational or enhanced thinking skills courses but that these had not been made available to them. Others expressed an interest in attending specific offending behaviour courses:

All my life I've been in and out of custody due to cars, and I've been told by so many different people there's so many sorts of courses that you can do about motoring offences, but I've never been offered one. And I would have thought I would have been (Tom, 27, breach of Drug Treatment Order (for driving offences), 22 week sentence).

Some prisoners, most often those serving very short sentences, those close to release or those who had served a number of prison sentences before, explained that they were not interested in working or completing courses. Although these men reported having very little to do each day, many claimed that they did not struggle to pass the time. There was a sense that many were de-motivated and saw little point in engaging with education and/or a prison job. Several regarded their prospects of getting onto courses or securing a prison job to be slim so did not see the value in applying:

I was told there is like a waiting list for jobs anyway, so there is no point putting in for a job (Stuart, 40, drink driving, 4 month sentence).

Other prisoners indicated that they did not wish to attend courses or work in the prison because such activities were 'irrelevant' and would not help to address their individual needs. Many prisoners expressed frustration that work-based courses, such as brick-laying and fork-lift truck driving, were not available to short sentence prisoners.

3.3.4 Relationships with other prisoners

The majority of prisoners said that they got on well with other prisoners and that they felt safe in prison. A few of those serving their first custodial sentence spoke of the anxieties they first had about who they could trust in prison. Most reported that as time had gone on, any pre-beliefs about the nature of prisons and prisoners had been dispelled and that they generally felt safe in their surroundings. Those who had experience of several prison sentences observed that serving a short sentence was a bit like being back at school, on the basis that they often knew other prisoners from their local areas or from previous prison sentences. One man told us that he felt comfortable living with 'people who are like me' (Richard, 25, burglary, 10 month sentence). Although prisoners generally spoke positively of their relationships with other prisoners there was some evidence of tensions between prisoners with substance misuse issues and those without. In addition, some prisoners spoke of the tensions that could arise between short and longer-term prisoners.

3.3.5 Relationships with prison staff

While many prisoners were frustrated about not being able to access jobs and courses in the prison, they were generally very positive about their relationships with prison staff. Most observed that staff-prisoner relationships were dependent on mutual respect and that if prisoners treated staff with respect they were usually treated well. One prisoner, like many others, told us in interview:

I think the staff are really good actually (Simon, 21, using a false name, 2 week sentence).

3.3.6 Relationships with family

Similarly to Armstrong and Weaver's (2010) findings, relationships with family were important to the majority of prisoners in our sample. However, prisoners varied in the extent to which they had regular visits from family and friends. Some observed that they had very poor relationships with their families and that there was no one on the outside who they wanted to come and visit them. Others reported that their family members had work, family commitments or other issues, including drug and alcohol misuse and homelessness, which made it difficult for them to visit and maintain regular contact with them. One prisoner highlighted that maintaining contact through phone calls could be expensive and therefore limited.

Those who did receive visits reported that they were helpful for continuing their relationships on the outside. However, the emotional and practical challenges their imprisonment raised for their families was clear from prisoner accounts. There was also evidence that many prisoners sought to hide the day-to-day reality of their imprisonment from their families. Several prisoners reported that they had told their families not to visit them because they did not want them to see them in prison or because it was too hard for them to deal with. Others reported telling their family members very little about their actual experience of imprisonment. One man told us:

It's killing, it's killing them all. It really is. But I tell them as little as [I can], always keep it in to protect them (Steve, 29, assault on police officer, 4 month sentence).

Several men expressed concern about having let their families down and the implications of their imprisonment on their family members. Many younger prisoners spoke about wanting to be on the outside to support younger siblings (see The Howard League for Penal Reform, 2006) while older prisoners often noted that they had family members, including children, who needed their care and support. The majority of prisoners in the sample had children under the age of eighteen and expressed how much they missed their children while inside. The majority of fathers also reported that they had not seen their children while they had been in prison, either because they did not want their children to be exposed to the prison environment or because the mother of their children was not prepared to facilitate contact.

3.3.7 Anxieties about resettlement

Many prisoners revealed how a short prison sentence had caused considerable disruption to their lives on the outside. Prisoners spoke of their anxieties about losing their housing or jobs and how to resolve these issues on their release. The men often complained of having to start again. Indeed, one 45 year old man who had not been in prison for over seven years but was imprisoned following his failure to pay a fine told us:

I would have preferred to have been given a community sentence, yes, because I was starting to attend courses outside ... At the moment I'm homeless so I was looking about getting a place, or getting into a hostel, which is something else that is going to have to be started again ... I was sorting my life out and now I'm six weeks behind (Charlie, 45, failure to pay fine (for a driving offence), 3 month sentence).

It was notable that those who were most positive about their release also described having good relationships with their families. For many, however, particularly those who had reported having a poor relationship with their family, no fixed abode prior to their sentence or a history of drug misuse, it was apparent that their release was something that they approached with ambivalence. Some prisoners also identified that the only accommodation that the prison could help arrange for them on release was in a hostel. All prisoners who spoke about hostels thought they were likely to make the problem worse:

If you get out and you get into a hostel they're full of drug addicts and alcoholics and that's not the kind of people I need to be around because that's just going to lead me back down ... I need to keep away from that kind of thing ... I don't want to come back here (Jack, 28, shoplifting, 3 month sentence).

Several prisoners, especially those who had been involved with a drug detoxification programme in prison, expressed concern about the challenges that would be raised by returning to the same area where they knew people who would still be taking drugs. Prisoners also expressed concern about continuing their medication (either for physical health problems or drug addiction) in the community. This highlights that there were some considerable uncertainties amongst prisoners about where to get support in the community for a range of issues. Other than local authority housing and the Job Centre, few prisoners were able to identify agencies who they felt they could turn to on their release for support. Most prisoners were aware that they would have a discharge board before their release but many said they were unclear about how their needs in the community would be addressed until then.

Many prisoners expressed little interest in gaining paid employment on their release from custody. Some identified that they did not consider gaining employment to be a particular problem, either because they were self-employed or worked on odd-jobs with family and friends. Those who were particularly concerned about their employment prospects on release were often those who were serving their first custodial sentence. These men often expressed frustration that their prison sentence had not only led to them losing their jobs but may also prevent them from finding work on their release:

I've had two months in here now and I have lost my job because of it. I feel that that is particularly unfair really because that is another person on the dole now ... I do feel aggrieved that I've lost my job over it. If I'd had a community sentence ... then I would still be in work now. And other people would be benefitting from me doing the work for them on the outside (Stuart, 40, drink driving, 4 month sentence).

By law now they [employers] ask ya if you've been to prison, you've got to tell 'em like ... you just see their face change like straight away like, they just want you out of their office like, do you know what I mean? (Kevin, 26, section 4 public disorder offence (fighting in the street), 3 month sentence).

The inability to gain employment because of a criminal record led some to raise concern that they may end up reoffending. Several indicated that the current economic climate led them to believe their chances of securing paid employment on release were even more unlikely. Some also observed that there were significant gains to be made by offending and that they were more likely to get by through offending rather than by securing a job:

I can get work, but it's the kind of work that will get me back in here, and I don't want that ... That's why people do the crime, because it is so easy. You can nick a fortnight's money in half an hour (Daniel, 26, theft, 10 month sentence).

3.3.8 The cumulative effect of numerous short prison sentences

Few prisoners considered their needs to have been met while in custody. Prisoners indicated that this followed from the lack of course availability or long waiting lists that prevented them from completing courses during their sentence. Prisoners also complained that the courses available were irrelevant to them. There was evidence that the limited course availability led many prisoners to consider there to be little point in applying for courses and regard their return to prison as inevitable. Many prisoners expressed resentment that they were released from prison exactly the same as they were when they came in. One prisoner observed:

Twelve weeks and I'm out ... I get out and I'm still the same. All my thinking processes are still the same. I'm still thinking the same. Still thinking as I did before I come in. As much as I want to change I probably won't though because it's all I know ... It's just like a revolving door now. [Can I ask you how you feel about that?] Pissed off really ... it's a waste innit. It's just a waste, I mean every time you get like 12 weeks and do six like and it's just a revolving door backwards and forwards and I don't get nothing out of it ... I'm going to be homeless again, I'm going to be on the dole and chances are I'm going to slip back into the old ways again because there's fuck all else (Jack, 28, shoplifting, 3 month sentence).

This last interview extract highlights the presence of many revolving door prisoners in our sample who could be considered to be 'doing life by instalments' (Armstrong and Weaver, 2010). Ambivalence was evident amongst these prisoners with many expressing doubt that anything could be done to help them during their short sentence. Often these prisoners were the least positive about their release and saw their return to drugs and/or prison as inevitable. A few prisoners, particularly those who had served their first custodial sentence in a Young Offenders Institution (YOI), observed that imprisonment could serve to help escalate their offending behaviour rather than deter them from committing another offence. One 26 year old man, serving his 15th custodial sentence reflected on his early experiences of being sent to prison for a short sentence:

It made it worse, if anything, because I was meeting people that knew things I didn't know, and I was learning new things off them. How to get the nearest bikes, the nearest cars, where you get this from, where you get that from. It's like going to school. That's what it was like, and still is (Martin, 24, breach of Anti-Social Behaviour Order (ASBO), 4 month sentence).

For those with few ties to the community and prolonged drug and alcohol use, it was apparent that the experience of multiple short sentences may have reduced their ability to take responsibility for their repeated imprisonment. Again this supports

the recent findings of Armstrong and Weaver (2010:3) who concluded that ‘it is the cumulative effect of doing many short sentences, more than the experience of any single sentence, which carries the largely negative impacts of short-term imprisonment’. Over time, there is a risk that this may harden ‘into a hostility and perceived illegitimacy of the criminal justice system itself’ (Armstrong and Weaver, 2010:11). One example can be found in the following interview extract:

All my possessions ... all that sort of stuff, it's all gone ... I haven't got one picture. [And is that because you lost your house?] Yeah, they don't even know where my things are. But like, I'm guessing, when I lived on my estate, when people got evicted or people left, the council van would turn up and the whole lot would just get emptied in there and get taken to the rubbish site, but I'm guessing all my things ... [are] all in a rubbish tip. [How does that make you feel?] Makes me feel shit, makes me feel like right well what the fuck's the point, like? ... It makes me feel like, do you know what, I'll go rob somebody, yeah, for something seriously banging. Go out and rob banks or whatever ... I reckon I'll be back in jail by the end of the year, but for like a worse crime (Andy, 23, street robbery, 12 month sentence).

3.3.9 Possible benefits of serving a short prison sentence

Several prisoners, most often those who had previously served time in prison and those with a history of substance misuse, indicated that a short prison sentence offered them the opportunity to have time-out or a break in order to get their head straight. One prisoner said that being in prison offered him a good opportunity to ‘escape from the streets’ (Richard, 25, Burglary, 10 month sentence). Similarly, another prisoner observed:

I just feel trapped when I'm out there [the community] ... sometimes I come to jail and I think “what am I doing here again?” But I can just chill out in here. When I'm out there it's just stress (Jack, 28, shoplifting, 3 month sentence).

This extract highlights that for some serving a short prison sentence was viewed as easier than going about their daily lives in the community. Another prisoner who had been in and out of prison for most of his adult life observed:

If I am out for a certain amount of time, it begins to start, everything starts getting on top of me, and my head goes, well I go a bit mad. And er, I put myself in jail for the simple reason that I need to get my head sorted out (Mark, 30, breach of sex offenders register, 6 month sentence).

These quotes indicate that for many prisoners their quality of life may be better within a custodial setting than in the community. Some prisoners, particularly those who reported having been in trouble with the law since a young age, noted that their imprisonment could sometimes offer reassurance to their family members as they knew where they were and that they were safe. Prisoners also spoke positively about how their health needs and problems with drug addiction had been addressed while they were in prison. This led some prisoners to highlight that short prison sentences often offered the opportunity for a respite rather than serve as a deterrent. One prisoner, like several others, told us:

People do it to keep themselves funded to get food and drink and clothing and to keep themselves clean [from drugs] (Richard, 25, burglary, 10 month sentence).

3.4 Prisoner views about community sentences

Seventy-three per cent (n=32) of our prisoner sample had previous experience of a community sentence. Given the high levels of reported drug use it was perhaps unsurprising that many prisoners had previously been given Drug Treatment and Testing Orders (DTTOs) or Drug Rehabilitation Requirements (DRRs), community sentences which result in sanctions if the requirements are not met. Prisoners also commonly reported having been required to carry out unpaid work in the community. However, many also reported having breached the conditions of their order and, on some occasions, that this is what had led to their current prison sentence. Indeed, nearly a third of the prisoners (29.5%, n=13) in our sample had received a short prison sentence following some kind of breach. Nine had breached a previous community sentence (most often drug rehabilitation requirement or unpaid work in the community), one had breached his Anti Social Behaviour Order (ASBO), another had failed to meet the requirements of the Sex Offenders Register, one man had breached a restraining order and the remaining individual had failed to pay a fine. It is of note that all but one of these 13 men had previously spent time in prison, six had no fixed abode and eight were unemployed.

Prisoners held a range of diverse and conflicting views about the effectiveness of community sentences. Some prisoners did not consider community sentences to be enough of a punishment:

Community service didn't do much at all to be honest. I think it was more like a reduced sentence than anything else (Damien, 30, sexual assault, 8 month sentence).

Those who spoke negatively of community sentences often also indicated that they considered them to be boring and pointless. One prisoner told us:

I was on community service and ... everything you did felt pointless, it felt like there was nothing, you go to do it, do it all day and then come back next week and it would be exactly the same, it was just tiring, boring and pointless (Andy, 23, street robbery, 12 month sentence).

Another prisoner observed that his probation order had been:

... a sure waste of time, I just used to go down there and say "oh hello Mr [name of Probation Officer]... yes, fine thank you", and that was it. "Right, see you next month", and that was it (Edward, 62, harassment, 6 month sentence).

Others, mainly those with a custodial history, revealed that community sentences could drag and that the length of time required to complete a community sentence meant they would prefer to serve a short prison sentence. This was based on the fact that it was easier to complete because they knew their release date, could get it done and out of the way. One man told us:

I always do custodial ... I wouldn't do one [a community sentence]. I prefer to come to jail. Get it over and done with ... get me time done and then leave (Dave, 34, breach of community service order (for theft), 5 month sentence).

Some revealed that their status as homeless or their use of illicit street drugs made it difficult to meet the conditions of a community order. Several prisoners, particularly those with a history of drug and alcohol misuse, observed that community sentences could be difficult to complete because the temptation to continue to drink or take drugs could be too strong. Some men were resentful that a community

sentence had led them into more trouble and on that basis would have preferred to have been given a prison sentence. One man observed:

I wish they'd sent me to jail the first time then I wouldn't be here now ... I'd have been clean then ... giving me a community order, you know, go and do this, this, and this. I was still out there. I still had drugs. It doesn't fix the problem. If they'd sent me to jail I'd have been out and clean. I wouldn't be here now (Gavin, 29, breach of community service order (for theft), 10 month sentence).

Several prisoners, particularly those with a history of serving several prison sentences, held particularly negative views about probation. Several indicated that they felt it was too easy to breach a probation order so there was almost no point in trying to meet the conditions set out by the court. One prisoner told us:

Probation aren't very helpful to be honest. They aren't. And if you have a disagreement with them then they just breach you and it's just ridiculous (Ben, 37, cultivation of cannabis, 12 month sentence).

A number of prisoners disagreed with the views held by the men quoted above and indicated that they considered community sentences to be a more effective punishment and deterrent than a short prison sentence. It is of note that these men were usually in employment prior to sentencing. One man, convicted of drink driving, who had lost his job as a result of his imprisonment felt strongly that a community sentence would have been more beneficial for him and the community. In his words:

Well more helpful for me, and to the community as well, because I could be doing other things outside ... I could be employed by the council on community service, and re-fit bathrooms which would be done free of charge ... And I would be quite happy to do that in my own time over a weekend (Stuart, 40, drink driving, 4 month sentence).

Several prisoners identified that they would have preferred a community sentence because they would not have lost their jobs or housing by coming to prison. Some prisoners described having lost everything. One man observed:

I think if they had sent me to community service it would make the situation a lot better, do you know what I mean, because obviously I wouldn't have lost everything ... when I get out of jail I'm not going to have any money, I'm not going to have any clothes ... and I've got my family, like, my mum's got cancer, so I've got to hope my mum's still alive when I get out (Andy, 23, street robbery, 12 month sentence).

Others considered community sentences to have been more effective than a short prison sentence in addressing their needs and offending behaviour. A small number reported that they had stopped offending following a previous community sentence because their needs had been better addressed. One man, serving his first prison sentence for drink driving, who had not been in trouble with the law for over nine years, observed that:

On probation, you get some learning value ... you get to learn a lot of things, they're going to help you. People talk to you, and explain you lots of things, a lot of help with some courses or something. A drink driving course or something. Because the last time I had probation service I stopped drinking for seven years, so it was a lot of help (Nadeem, 40, drink driving, 10 week sentence).

Although some prisoners indicated that they did not consider a community sentence to be sufficient punishment, others disagreed and considered the requirements of

a community sentence to be far harder to meet in comparison to serving a short prison sentence. This was particularly the case with unpaid work in the community. Several prisoners indicated that this could be far more 'strenuous' than a short prison sentence and therefore more of a deterrent:

You've got more chance with a community sentence working than prison cause ... if you're actually working then you think I ain't going to do this again. Prison, you can just do prison ... if you go to jail, you do your jail sentence and then you're out ... no community work or nothing, no working for free. It's probably more strenuous on you if you're doing a community sentence, probably a lot better ... I'd have preferred a community sentence because it would have meant more. Whereas here it's jail. ... you just know there's an end in sight ... working out in the community you just don't know when it's going to end ... until you get down to those final hours ... Whereas here you've got an end in sight straight away (Dave, 37, cultivation of cannabis, 12 month sentence).

4. The views of prison staff about short prison sentences

4.1 Characteristics of the prison staff sample

Twenty-five members of staff were interviewed. We spoke with a range of staff with different levels of experience and different professional backgrounds. The staff sample comprised:

- 8 prison officers (a collection of landing officers and others with specific responsibilities including reception, induction and programmes);
- 3 education staff;
- 3 senior managers;
- 3 non-uniform resettlement staff;
- 2 chaplains;
- 1 nurse;
- 1 CARATs / drug worker;
- 1 legal services officer;
- 1 case administrator;
- 1 Careers Information Advice Service (CIAS) advisor; and,
- 1 offender assessor.

Fourteen of the staff were female. Their ages ranged from 21 years to 63 years. Their experience of working in the prison service also varied considerably from six months to 24 years. The mean time staff had worked in a custodial setting was 6.4 years.

4.2 Staff views about working with short sentence prisoners

Several staff members indicated that one source of job satisfaction followed from being able to help address the issues presented by (short term) prisoners and work to ensure they did not come back to prison after their release. However, in the context of short term prisoners, most staff expressed frustration that it was very difficult to address these needs and thereby contribute to a future reduction in reoffending. Staff also complained that there was insufficient time to build satisfactory relationships with prisoners. This was particularly the case with prisoners serving very short prison sentences of less than three months:

If they are serving a very short sentence ... it can be frustrating because you can see the prospect, you can do so much more with them to try and help them but you just haven't got the time (Susie, nurse manager)

Staff also expressed frustration that many of the prisoners they saw were likely to return to prison following their release:

The majority of them you know that it's just a revolving door ... so in that way we're achieving absolutely nothing, and it is quite disheartening at first, when you come into the job and it's the same faces coming back (William, prison officer (diversity officer)).

Staff acknowledged that the provision of educational and offending behaviour courses for short sentence prisoners was often very limited and that there was little these men could complete within the timescales of their sentence. In addition to gaining access to courses, staff revealed that short sentence prisoners often experienced difficulties gaining employment in the prison while serving their sentence. Staff highlighted that this was often for practical and administrative reasons:

You cannot really put someone on a course that is going to last three months if they're only in for a month because it's a waste of resources ... Say if they wanted a job in the palette shop, or the lighting shop, to train someone up who is short term would be a waste of time because it would probably take a few weeks to train them up ... and then they'll be out in two weeks so you'll have to fill that space again (Steve, prison officer).

Some staff identified that despite being able to achieve very little with short sentence prisoners, short prison sentences were very resource intensive. Staff complained of the sheer amount of administration required to manage short prison sentences and questioned if this was a good use of public funds and staff time:

You think "why did I bother?" because they are just going straight back out (Debbie, legal services officer).

It's very time consuming for everybody involved. There's lots of administration that goes into a very short sentence ... and there's very little rehabilitation you can do in that short space of time. I'm not sure what the judge or whatever wants us to achieve. I'm not sure what the goal is (Susie, nurse manager).

Several staff spoke critically of key performance indicators and targets (KPIs and KPTs) on the basis that they restricted what could be done with a prisoner on a short prison sentence. A few staff highlighted that prisons were often unwilling to put prisoners through courses that they may be unable to finish because it would look bad on completion rates:

You're a poor performing prison for trying to do the things that would help short-term prisoners (William, prison officer (diversity officer)).

4.3 Staff views about the characteristics of short sentence prisoners

While staff highlighted that the short sentence prisoner group is a diverse and quickly changing population, in line with the findings of the last chapter, staff made a clear distinction between first time short sentence prisoners and the revolving door prisoners, those who had served a number of prison sentences before:

They're either habitual criminals or they're first time in prison and they're never going to do anything again (Tim, prison officer).

Staff held very different views about the impact and purpose of a short prison sentence on first time prisoners and those who had previously served several short prison sentences. These views of course reflect the attitudes and beliefs of staff rather than the true impact of a short prison sentence on prisoners. Several staff suggested that they did not consider it appropriate that many of the first time short sentence prisoners had been given a prison sentence. This was often on the basis that these staff believed their offending had been a one-off, a stupid mistake or a result of being in the wrong place at the wrong time:

You do get the ones that just happened to be in the wrong place at the wrong time, a fight's broken out and they find themselves bewildered cause they're in prison and you know they're probably never going to come back again (Amy, resettlement advisor).

Several staff considered a short prison sentence for some first-time offenders to have been unnecessary on the basis that they were unlikely to reoffend, regardless of the type of sentence they had been given. This led staff to express some considerable frustration about the damaging impact that could be generated by a short prison sentence. One staff member, like many others, observed:

For short term prisoners, for some guys, you know they have lost everything ... there was a guy who came in a few weeks ago, only short term, and he had just started up his own business, had a flat, just started getting himself sorted out and everything, and he lost everything because of coming in. He was wondering what on earth he was going to do when he got back out, and how could we help him. It was virtually impossible (Roger, chaplain).

When thinking about the revolving door prisoners, staff indicated that there was also very little they could do to help address their complex needs including high levels of drug addiction, alcohol use, unemployment and problems with accommodation. One staff member observed:

These people are straight from the streets. Really there's lots of different problems - social, psychological, physical, mental – and we do find ... the drug misusers are coming in quite poorly, withdrawing from heroin, other types of medication (Susie, nurse manager).

The majority of staff indicated that the motivation of short sentence prisoners varied according to the individual. However, staff generally reported the motivation of short sentence prisoners to attend courses and address their offending behaviour to be low, on the basis that they were only serving a short period of time and would soon be released to the community. One member of staff, like others, observed:

Some of them laugh about it when they come in. They are not bothered. It is only a few months out of their lives isn't it? ... We had one yesterday, he was refusing to do the assessment on induction because he had only got three weeks left ... The long termers, you'll notice that they sit down and get on with it (Lucy, prison officer (induction co-ordinator)).

Conversely, many staff argued that short sentence prisoners feel they have very little to lose while serving their sentence. Older prisoners, and those who had served a number of previous custodial sentences, were often reported to settle into the regime more quickly and without event. The behaviour of younger short sentence prisoners was reported by staff to often be more difficult to manage. One member of staff told us:

There's a lot of bravado, a lot of glib, "ah you know it's a doddle I've only got a couple of months to do ... goes with the territory" they'll say (Jo, education manager).

One senior staff member suggested that prisons needed to engage far better with the short sentence population, especially the younger men, to prevent them from escalating into more serious offending and longer prison sentences in the future:

I actually think that we need to really push these guys serving shorter sentences cause otherwise they're going to get a fairly hefty wake-up call (David, head of operations).

Some staff indicated that prisons also needed to do more to deter people coming to prison. These staff indicated that some prisoners deliberately committed low-level crimes to get themselves into prison. Most staff suggested that this was motivated by a wish to get off the streets and have somewhere comfortable to sleep at night, to come off drugs or to enable them to have time-out and get their heads straight. These views support some of the prisoner narratives discussed in the last chapter. Two members of staff told us in interview:

Prolific offenders aren't bothered by short sentences, they consider it a break. And quite a lot of drug users consider it a type of detox (Tony, prison officer).

In the summer months there tends to be less short-term coming through the door, because ... they don't mind sleeping rough or on a park bench, whereas in the winter months, when the hostels start getting full and they're no beds, that's when we find the population increases (Sophie, CARATs manager).

4.4 Staff views about the impact of short prison sentences

Some staff believed that a short prison sentence, especially if it was undertaken in the adult estate rather than a Young Offenders Institute (YOI), could serve as a shock for first time prisoners. However, the problem identified by staff was that the damaging effects of this shock were not necessarily beneficial to either the prisoner or the community:

Most of them start to become despondent about the prospect of ever recovering. So the damage is enormous and of course it can extend out right through the family, right through whole communities at times, just because of one person's driving misdemeanour or council tax misdemeanour ... We should not be disrupting someone in a job, we must be using new ways of punishing (Annika, sessional education tutor).

Staff were also sympathetic to the challenges faced by prisoners on their release. Many raised concern about the stigma that could be brought about by serving a (short) prison sentence and how this had the potential to impact on employment, housing and reintegration back into the community. One staff member noted:

You say you've got a criminal record, some employers won't touch you. You might have trouble getting another mortgage or whatever ... you might move area and then it gets out "oh, he's been to prison" so you might be looked upon differently by the community you're living in (Amy, resettlement advisor).

Somebody has come into jail on a short sentence and as a consequence will lose their job. So then we are creating an unemployment problem that didn't necessarily have to exist. And obviously with the way the country is at the moment this becomes more of a problem and more of an inclination that they may re-offend if they have lost their job. You potentially break up families (Andrew, CIAS advisor).

As the last quote indicates, many staff were keen to point out the detrimental impact that imprisonment may also have on prisoners' families. Particular concerns were raised about the impact of imprisonment on a prisoner's relationship with his children, partner and/or parents. One staff member observed:

It's not just the prisoner serving the sentence, the family has to serve it along with them (Simon, unit manager).

Some staff considered that those with limited family ties were 'less likely to be affected by it [their prison sentence]' (David, head of operations). Staff outlined that they believed for many prisoners, particularly those who had served a number of prison sentences, prison could become a 'home from home' (Sophie, CARATs manager), a 'hotel' or a 'holiday' (Roger, chaplain):

When you think of the crack house and the dens that they're used to, or been in a cardboard box ... it's [prison] an absolute luxury (Sophie, CARATs manager).

While these staff views reflect their attitudes and beliefs rather than the views of prisoners, they lend some support to some of the prisoner accounts described in the last chapter. For many prisoners their quality of life may be better in prison than it is in the community. Staff highlighted that the prospect of being returned to prison held no real deterrence value for some prisoners, as many felt more comfortable in prison than they did in the community. Other staff were concerned that repeat imprisonment could have a damaging impact on people's view about their offending:

I think it [a prison sentence] creates resentment and anger and sometimes it will consolidate the criminal intent because somebody thinks "right well if you've already written me off then I've got nothing else to lose so I might as well try a worse crime or I might as well carry on as I was" (Jo, education manager).

4.5 Staff views about the possible benefits of a short prison sentence

Staff identified a number of possible benefits of a short prison sentence for both the prisoners and the community which they seek to reassure and protect. Several staff highlighted that a prison sentence was a useful mechanism of demonstrating to victims and the wider community that 'justice had been done'. Staff also identified that the health of many short sentence prisoners was so poor on reception, often through the use of drugs and alcohol, poor housing and diet, that a short period of time in prison offered the opportunity to improve their physical health. Some staff also noted that taking short sentence prisoners out of the community prevented them from mixing with criminal associates, drugs and alcohol. In this sense, staff regarded a short prison sentence to help contribute to a short term reduction in crime. However, staff did not consider a short prison sentence to reduce crime in the long term on the basis that a short prison sentence rarely provided enough time to address the needs of prisoners or help reduce their risk of reoffending.

4.6 Staff views about community sentences

While most staff held negative views about the effectiveness of short prison sentences, most were also dubious about the effectiveness of community sentences. Many acknowledged that they knew very little about community sentences and that their opinions were often based on their exposure to the media or discussions with prisoners. One staff member told us:

I saw a documentary on the telly the other day and it doesn't leave me with confidence ... it showed a lot of them [people on community service] sitting around doing very little (Susie, nurse manager).

Other staff highlighted how their discussions with short sentence prisoners about community sentences had also led them to be dubious about the positive effect they may have. One staff member observed:

Loads of prisoners have told me that when they've been given community supervision orders they've turned up, there's nobody to supervise, they've turned up again the next week the same time and they've been told to go away because the supervisor's there but they've got too many people turned up and they can't process them all. So it's not really happening (Jo, education manager).

Some staff believed that community sentences had the potential to serve as a deterrent because they were inconvenient to people who had offended. Others noted that community sentences were less likely to cause disruption to an offender's life because they would be less likely to lose their job or accommodation. Several staff expressed frustration that a short prison sentence served to destroy a number of protective factors, including stable employment and housing, that had the potential to increase the likelihood of reoffending and could have been avoided if they had been given a community sentence.

4.7 Staff views about release to the community

Staff highlighted that there were not only problems with the availability of offending behaviour and educational courses within the short timescales of a short prison sentence, but also considerable difficulties in ensuring that prisoners were able and willing to engage with services in the community following their release. Staff highlighted that one of the challenges with short sentence prisoners is that they are not subject to supervision by probation on release. One senior member of staff complained that short sentence prisoners are:

... not subject to further external probation orders, anything like that. So once they're out in society there's no checkpoint, there's no follow-up (David, head of operations).

Another member of staff expressed frustration at the lack of structure and supervision for short sentence prisoners on their release. In his words:

[There's] no structure for them when they get out there is there? All the ones that we release ... we read them out licenses that's one piece of A4 paper. It's generic for most people that are serving under 12 months. It's generic. There's no real restrictions on it. All they need to know is that they can be recalled if they commit a further crime (Fred, house block manager).

In contrast to the prisoners interviewed for the study, staff were able to name a number of external agencies to whom prisoners could access services from on their release. Many staff praised the efforts of community-based agencies who offered support to ex-prisoners. These include the local Drug Interventions Programme (DIP) teams, NACRO and the Job Centre. Other staff expressed concern that the work done by the prison with short sentence prisoners was undermined because of the lack of availability of services in the community. Some staff also highlighted that prisoners who were known to community services may face real problems finding housing:

The problem we have got is, a lot of these prisoners that are coming in have been everywhere, and then when they are phoning housing people up: "no sorry don't want him back" (Debbie, legal services officer).

While staff acknowledged that probation officers were under-resourced and had incredibly demanding workloads, a few staff members were critical on the basis that they often failed to engage with offenders and would recall them to prison too easily. One reception officer told us:

I don't think that the probation service do enough for people to be honest with you. I see a lot of people who get recalled ... and you ask them why they've been recalled and they say "I don't know" cause it always seems like the easy answer for probation because they've probably got too much on their plate. It's easy to recall them than sit them down and have a little bit of a chat with them and maybe a little bit of confrontation and sort the problem out (John, prison officer (Reception Officer)).

Staff also indicated that because of low motivation it could be difficult to encourage prisoners to engage with these services after their release. Staff emphasised how there needed to be stronger links and continuity of care between prisons and services in the community. Staff made the following observations:

The prison can't do it in isolation, we need a whole re-vamp I think ... It is linking up with the out, isn't it, it's the through the gate ... There has got to be more linking up. There has got to be a real togetherness in what is being tried to be done (Roger, chaplain).

There's no point just doing it here ... its got to be a seamless sort of transition from prison to community (Claire, resettlement co-ordinator).

These extracts highlight that better relationships with external agencies were positioned as essential by staff for maximising the effectiveness of short prison sentences. Some staff suggested that prisoners should be able to start courses in prison and then continue them in the community.

A number of other staff across the different prisons spoke positively about local mentoring schemes that had been set up to help (short) sentence prisoners on their release. Staff highlighted how having a mentor on the outside to help prisoners to fill out application forms and attend appointments could be a very valuable exercise:

Resettlement ... has got to happen ... [if] a guy goes out and you see them sat outside on their plastic bags waiting for their bus, and there is no one to look after them, you'll see them then three weeks later back inside (Roger, chaplain).

Some staff identified how many short sentence prisoners failed to take proper responsibility for their offending because they saw many of their offences, most often the non-interpersonal offences, as 'victimless' crimes. This highlights another concern of staff, that short sentence prisoners were rarely encouraged to address the reasons behind their offending while in custody. Staff suggested that prisoners should be required to engage with thinking skills courses, counselling or offending behaviour programmes to begin to address the reasons behind their offending:

There's still no courses for them to address [their offending behaviour] and change their thinking. There needs to be something that is for short termers and [then] it might change their thinking patterns (Debbie, legal services officer).

Several staff noted that, in addition to the need for more offending-behaviour courses for short sentence prisoners, restorative justice approaches also had promise. One staff member told us 'Restorative justice, I think would be quite powerful' (David, head of operations). Some expressed frustration that such approaches were not pursued more with this population.

5. Discussion

This study about the reality of short term prison sentences indicates that they raise a number of challenges for the prisoners subject to them, the prison staff responsible for their administration, and ultimately the public which they seek to reassure and protect.

The findings highlight that many short sentence prisoners suffer disadvantage both inside and outside of prison. Many are repeat offenders who are trapped in a cycle of reoffending, homelessness, drug addiction and poverty. Importantly, the findings also reveal that while the short sentence prisoner population is diverse, there are nevertheless two distinct groups - first time prisoners and revolving door prisoners, those who have served a number of (most often short) prison sentences before.

Many short sentence prisoners, particularly those serving their first custodial sentence, reported that their short sentence could be very damaging. These men spoke of the stress and anxiety that followed from losing their jobs, housing and the additional strain placed on their family relationships. Several prisoners expressed concern about how they would get their lives back together on their release. In contrast, those who had served a number of prison sentences often reported having little to look forward to on their release and concern that, because of problems with housing, employment and/or drug and alcohol use, their return to prison was inevitable. The inevitability felt by many of the men appears to have generated some considerable ambivalence and lack of engagement. In this respect this research concurs with Armstrong and Weaver's findings (2010) that it may be the cumulative effect of a number of short prison sentences that has the most negative impact.

While in prison the majority of prisoners reported having little to do and difficulty in securing access to courses (both educational and offending-related) and prison jobs. These findings are in line with those of the National Audit Office (2010) and raise doubts about the extent to which prisons are able to meet the purposeful activity healthy prison test set out by HMI Prisons with short sentence prisoners.

A number of prisoners, often those who had served a number of prison sentences, reported that they saw little point in applying for courses or jobs because of long waiting lists. As a result many also complained that they left prison 'exactly the same' as they had been on their admission and considered their return to prison to be inevitable. It is important to highlight that these reported difficulties in accessing courses appear to impact on the responsibility some prisoners take for their repeat offending and imprisonment.

A majority of the prisoner sample reported that, given a choice, they would have preferred a prison sentence over a community sentence. Prisoners offered a number of reasons behind this. Many prisoners considered a short prison sentence to serve as a good opportunity for a break, time-out or an opportunity to get their head straight. Others, particularly those with a long history of imprisonment and drug addiction, indicated that a short prison sentence enabled them to come off drugs, provide shelter, improve their health and ultimately offer respite from their, often very difficult, lives in the community. While in this respect imprisonment may offer a number of potential benefits for short sentence prisoners, it is questionable whether prison is the appropriate agency to be dealing with these social problems. It is important that greater investment is made in social services and agencies in

the community working with people with unemployment, housing, drug and alcohol problems.

The prisoners held diverse and conflicting views about the effectiveness of both prison and community sentences. While the majority of staff were dubious about the effectiveness of short prison sentences, many were also unconvinced that community sentences were a strong and suitable alternative. Many of the staff interviewed observed that greater investment needs to be made in community services and the links between prisons and the communities. If community sentences are to be used appropriately it is essential that they receive adequate funding to make them effective (House of Commons Justice Committee, 2008:38). Moreover greater investments need to be made in post-release contact and support as this is important for the resettlement of short sentence prisoners (Lewis et al., 2003).

The findings also indicated that offenders will engage more effectively with a sentence if it is regarded as fair and appropriate to their individual circumstances. Sentencing decisions must make sense to those on whom they are imposed and the reasons behind them clearly explained to them in court. It is also essential that greater provision of relevant and individualised courses is made. Many of the sample indicated that they saw little point in applying for jobs and courses in prison because they considered the likelihood of them securing them to be slim. This suggests that difficulties of access (perceived or real) contribute to the extent to which these men accept, engage with and learn from their imprisonment.

It is essential that the challenges raised by short prison sentences are adequately addressed. There are currently no winners: prisoners are not being equipped with the necessary support and interventions to help break the cycle of reoffending; staff are without sufficient time and resources to help address prisoner needs or likelihood of reoffending; while communities are having to cope with the frustration and disillusionment that is generated by the high reoffending rates of this population.

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Appendix A: Abbreviations used in the report

CARAT Counselling, Assessment, Referral, Advice and Throughcare

CIAS Careers Information Advice Service

CSU Care and Separation Unit

DIP Drug Intervention Programme

DDR Drug Rehabilitation Requirements

DTTOs Drug Treatment and Testing Orders

ECL End of Custody License

HDC Home Detention Curfew scheme

HMIP Her Majesty's Inspectorate of Prisons

IPP Imprisonment for Public Protection

ITDS Integrated Drug Treatment System

KPIs Key Performance Indicators

KPTs Key Performance Targets

NACRO National Association for the Care and Resettlement of Offenders

NAPO The Trade Union and Professional Association for Family Court and Probation Staff

NOMS National Offender Management Service

PGA Prison Governors Association

SEU Social Exclusion Unit

YMCA Young Men's Christian Association

YOI Young Offenders Institution

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