

The Howard

TIME TO SCRAP SHORT SENTENCES



Danny Fitzpatrick

FOR years the Howard League for Penal Reform has been making the case that short prison sentences do not work. Now, thanks to the support of the charity's thousands of members, the government is listening – and promising to take action.

Politicians at the Ministry of Justice – including Rory Stewart, pictured at a Howard League event – have announced that they want to reform the system because handing down short sentences again and again makes the public less safe.

The Howard League has urged ministers to bring forward legislation to make the change a reality and prevent more people being swept into crime and despair.

Full story: Page 2

Our work leads to positive change

CHANGE is the theme of this edition of *The Howard*, as we look at the growing calls for sentencing reform and a new approach to end the criminalisation of children in residential care.

Ministers have determined that short prison sentences can endanger the public because they destabilise jails and fail to prevent crime. They are considering scrapping sentences of less than six months (page 2).

But the Howard League is encouraging ministers to be bolder and follow the example set in Scotland, where a presumption against sentences of less than 12 months is to be introduced. Support for this comes from the All Party Parliamentary Group on Women in the Penal System (page 3).

Sentencing reform for young adults is urgently needed, and the Howard League has worked with an advisory group of experts to draft principles that would make the system better (page 8).

Successful community projects are cutting crime, changing lives and keeping people out of prison. The Howard League presents Community Awards to the very best schemes in the UK, and a round-up of the winners can be found on pages 6 and 7.

The centre pages focus on the Howard League's programme to end the criminalisation of children in residential care. Four young people who were criminalised in care reveal what happened to them – and explain what needs to change.

This is why the Howard League will keep working for less crime, safer communities and fewer people in prison.



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Follow Scotland's lead on sentencing

THE Howard League has urged the government to bring forward legislation that would make short prison sentences a thing of the past.

The Ministry of Justice is considering scrapping prison sentences of less than six months in England and Wales – after years of concerted campaigning by the Howard League and criminal justice experts.

Ministers are being encouraged to follow the example set in Scotland, where a presumption against prison sentences of less than three months is already in place and is due to be extended to 12 months.

In a speech in February 2019, the Secretary of State for Justice, David Gauke, said: "In the last five years, just over a quarter of a million custodial sentences have been given to offenders for six months or less; over 300,000 sentences were for 12 months or less. But nearly two-thirds of those offenders go on to commit a further crime within a year of being released.

"Why would we spend taxpayers' money doing what we know doesn't work, and indeed, makes us less safe?"

David Gauke said that sentences had got longer and longer since Margaret Thatcher's time in power and change was needed.

He said: "We are now taking a more punitive approach than at any point during Mrs Thatcher's premiership. We should be extremely cautious about continuing to increase



Andy Atchison

Ministers have recognised the need to ease pressure on the prison system

sentences as a routine response to concerns over crime.

"For the offenders completing these short sentences whose lives are destabilised, and for society which incurs a heavy financial and social cost, prison simply isn't working.

"That's why there is a very strong case to abolish sentences of six months or less altogether, with some closely defined exceptions, and put in their place a robust community order regime."

David Gauke's comments echo those made by Prisons Minister Rory Stewart in December 2018, when he gave evidence to the

Justice Committee about short prison sentences.

Rory Stewart told the committee: "The wrong kind of short sentence actually endangers the public because the wrong kind of short sentence increases the chance of reoffending. The wrong kind of short sentence destabilises a prison.

"In terms of what we really care about, which is preventing the misery of crime and the suffering of the public, the wrong kind of short sentence may feel good in the short term because you feel you're banging someone up, but just

putting someone in prison for a few days, a couple of weeks, it's long enough to damage them; it's not long enough to change them."

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "Ministers have rightly identified that we must ease pressure on the prison system, and abolishing short sentences would be a welcome first step.

"Further action to reduce the prison population would save lives, protect staff and prevent more people being swept into deeper currents of crime and despair."

Preparations begin for international conference

THE Howard League is to hold a major conference at the University of Oxford next year.

The two-day Crime, Justice and Social Harms conference will bring together academics, parliamentarians, practitioners and people who have been directly affected by the criminal justice system.

The event, at Keble College (pictured), will run from Tuesday 31 March to Wednesday 1 April 2020.

Further details, including a call for papers, will be announced in due course.



Parliamentary inquiry calls for end to short prison sentences for women

OPPOSITION to short sentences is growing after an influential cross-party panel of MPs and peers recommended scrapping prison terms of less than 12 months for women.

The All Party Parliamentary Group (APPG) on Women in the Penal System found that many women were being sent to prison unnecessarily – in spite of overwhelming evidence that prison makes matters worse for them – while the number of community sentences had decreased.

The call for change comes after the APPG, which receives

administrative support from the Howard League, held a 10-month inquiry into the sentencing of women in England and Wales.

MPs and peers found that failures stemming from the part-privatisation of probation have undermined magistrates' confidence in community sentences.

The APPG also found that magistrates often lacked knowledge about the circumstances of women's lives and the likely impact of prison, and what specialist provision for women was

available in their local area.

Their findings have been published in a report, called *Sentencers and sentenced: exploring knowledge, agency and sentencing women to prison*.

APPG Co-Chair Baroness Corston said: "It is well established that imprisonment makes things worse, not better, for women, but our inquiry has found that women are still being sent to prison unnecessarily, and overwhelmingly for short periods.

"Too often, magistrates view custody as the only option when

all the evidence indicates that women's centres provide better support for women and are more effective at reducing offending.

"Ministers are aware and have spoken publicly about the futility of short prison sentences. Scrapping them for women would save lives and reduce crime."

The inquiry received written evidence from charities, academics, women's centres, a trade union and a police and crime commissioner.

MPs and peers visited a problem-solving court and heard evidence from John

Bache, the Chair of the Magistrates' Association, and Dame Glenys Stacey, Her Majesty's Chief Inspector of Probation.

In 2017, more than two-thirds of women sentenced to immediate custody were given sentences of less than six months.

They included 246 women who were sentenced to prison for less than two weeks.

The APPG comprises MPs and Members of the House of Lords from all parties and works to increase knowledge and awareness of issues around women in the penal system.



Andy Aitchison

THE All Party Parliamentary Group on Women in the Penal System spent 10 months looking into the sentencing of women. Here are the key points from its report:

Women in the criminal justice system are among the most disadvantaged and vulnerable people in society, and prison makes things worse not better for them.

Evidence shows that short sentences are less effective than community sentences at supporting people to desist from crime – but women continue to be sent to prison, overwhelmingly for short periods.

Failed probation reforms have undermined magistrates' confidence in community sentences.

Magistrates often lack knowledge about the circumstances of women's lives, the likely impact of prison, and the availability of specialist provision for women in their local area.

Magistrates can diverge from sentencing guidelines, but custody is often viewed as the only option for those women who offend repeatedly, despite evidence that prison is least effective for this group.

Custodial sentences of less than 12 months should be abolished for women.

Any future probation model should include ring-fenced funding for the provision of specialist services for women.

MPs and peers looked into sentencing and found many women were being sent to prison unnecessarily

How we were crim

THE Howard League's programme to end the criminalisation of children in residential care is already making a difference.

The charity launched a campaign after finding that children living in residential care were at least 13 times more likely to be criminalised than other children.

Now, the Department for Education has published a national protocol on reducing criminalisation of looked-after children.

The guidance – which has been developed with help from the Howard League and leaders in children's social care, justice, health and policing – is aimed at helping agencies to keep looked-after children out of the criminal justice system.

The new approach comes as four children and young people share their stories of how they were criminalised while living in residential care.

One young person, Eddie, who was taken into care at 11 and again at 13, reveals that he

attempted suicide in a children's home on Christmas Day. He says that a care worker's response to his self-harming led to him being charged with assault and spending a night in a police cell.

Sophie, who was placed in secure care on welfare grounds when she was 14, describes how feelings of loneliness and isolation, along with uncaring staff, led to her receiving a criminal record.

Jodie, who went into care at 15, gives her view on what makes a good children's home. She says that while good homes and staff can protect children, bad ones make it more likely that they will be criminalised.

Samantha went into care at 11 and lived in more than 20 different placements. The experience was so traumatic that she has blocked out parts of it, but she describes being handcuffed by police as she came out of a GCSE exam so that she would not go missing.

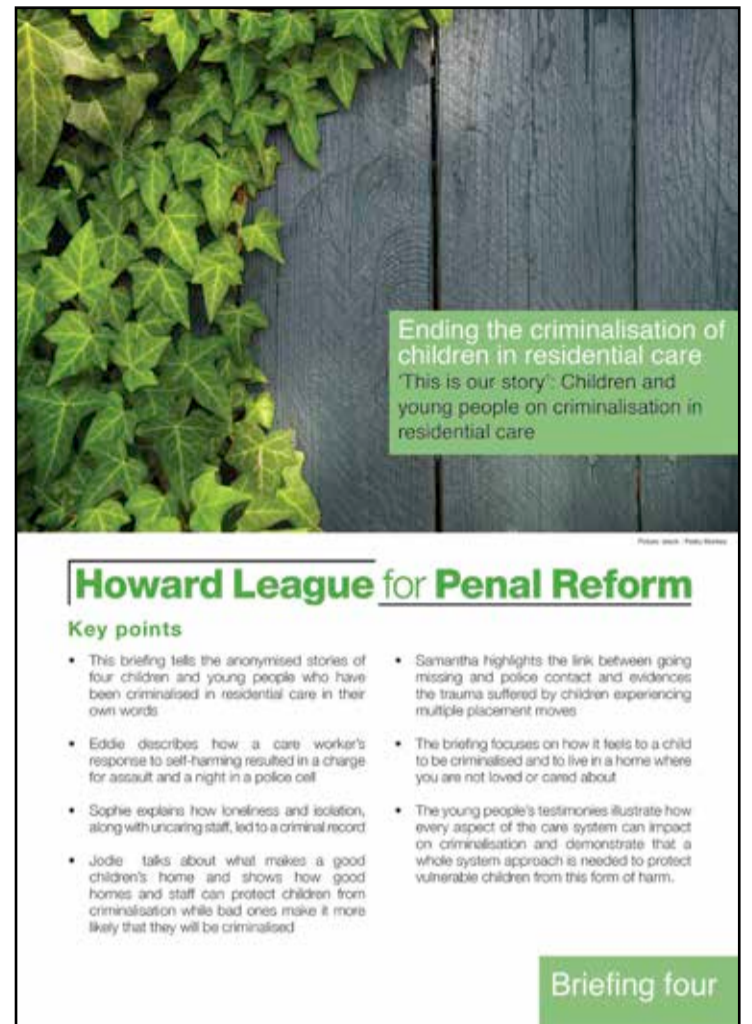
The accounts of the four children and young people –

whose names have been changed to protect their identity – are brought together in a Howard League briefing, *'This is our story': Children and young people on criminalisation in residential care.*

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "These shocking stories, told by young people in their own words, are required reading for anyone working with children in residential care."

"All four of the young people who have shared their experiences with us are articulate and resilient, and able to explain what went wrong with the care that they received. But there will be many others like them who are unable or will not get the opportunity to tell anyone what happened to them."

"The best scenario for a child living in a children's home is to not have any contact with the police at all, just like any child living in a family home. Instead of being criminalised, children in good homes are being loved, cared for, nurtured and supported."



'It was scary. I didn't know what I had done wrong'

WHEN he was 11, Eddie and his mother were seriously assaulted by one of his mother's boyfriends.

Eddie and his younger brother went into care, living with foster carers for several weeks while their mother underwent operations and recuperated. When she finally came out of hospital, the family moved into a bedsit.

The three of them lived in a single room for about a year until Christmas Eve when Eddie was 13. That night, the police came to take Eddie and his brother into care.

Eddie did not know it at the time but he was never going to live with his mother or his brother again.

He was taken to a children's home and attempted suicide the next morning.

He said: "At that point I had kind of concluded that being so far away from school and after all of this pressure with no sort of mental health intervention at all throughout the whole kind of process is that I came to a position where I thought, genuinely believed that my life was meaningless."

"When you are that age, that's a very difficult thing to contemplate."

"I attempted to hang myself on Christmas Day. Yeah, I did. They walked in and I ended up going to the hospital. It was a difficult experience."

Eddie did not receive any mental health support and he was moved around children's homes, living in a total of seven during his teenage years.

He had been a high achiever at school before he went into care, but he missed so much school that he did not take his GCSEs. To cope with his feelings, he self-harmed, cutting himself. His hands and arms are visibly scarred.

Eddie said that a care worker's response to his self-harming led to a physical confrontation that caused him to be arrested and prosecuted for assault. He was taken to the police station and he spent the night in a cell.

He said: "I cried profusely for about a day because of that. I couldn't stop. It was scary. I didn't know what I had done wrong."

In court Eddie was able to explain what had happened – in a way, as he pointed out, lots of other children would not have been able – and he successfully pleaded self-defence, avoiding a formal criminal record.

He said: "If they had just been compassionate about that situation and sat down with me and spoke to me about how I felt, you know, if anybody did that throughout my whole time in care, I think the whole thing would have gone a different way. It didn't happen."

'It made me fall in love with Christmas again'

JODIE went into care at the age of 15. She felt that she had been let down by the system and could have stayed at home if there had been more edge-of-care support.

Before going into care Jodie had been the victim of child sexual exploitation, witnessed domestic violence and parental separation, been thrown out of three schools, and attended a Pupil Referral Unit.

She had been the victim of bullying and had been involved in fights with other children that had led to police involvement.

Jodie's first experience of a children's home was terrible, but later she moved into a good home, run by an excellent manager. In the poor home she was criminalised. In the good home she was parented and nurtured.

Jodie was only in the first home for four days, but during this time she experienced a catalogue of poor care and police involvement.

She said: "I went missing from care quite a few times when I was there. And then the police started to charge me with wasting police time."

"I would literally walk out the house and the police would be called, literally the second I walked out the house, which isn't in the missing from care plan. There is no prevention there."

There is no explanation there."

Jodie later moved to a better home and was shocked by how different it was to her first placement.

She said: "I walked in and it was like a normal house. I was like no, this is normal. You wouldn't know it was a care home... It felt so, so homely."

At Christmas, Jodie added, there was a "family environment" at the home, where children received presents and good food.

"It was a really good place," she said, "and it made me fall in love with Christmas again."

Unfortunately, when the manager left the home, the dynamic broke down completely. There were more issues, the police were called out more frequently, and Jodie got into trouble again.

She said: "It was basically just anger, like I was really angry and I was screaming and I was shouting."

"Okay, they probably did think I was being aggressive. But did that actually injure anybody? Did I actually break anything of value? No..."

"They couldn't handle the way I was feeling, they just called the police... Yes, it's three in the morning. You probably want to go to bed. I am dealing with something right now. If you could just shut up and let me have my hissy fit, thanks instead of calling the police."

Minimised in care...



The Department for Education has responded by publishing a national protocol for reducing criminalisation of looked-after children

'I came out of an exam and was handcuffed by police'

SAMANTHA went into care when she was 11. She lost count of how many placements she lived in, but it was more than 20 and a mixture of foster placements and children's homes.

She said: "You'd come home or be picked up from school and your stuff would be packed and it would be at your new placement waiting for you in bin bags. You'd get told 'Oh, you've been moved' and sometimes ...there was one time I was sat with the police and it was gone seven o'clock and they couldn't find me anywhere, so I had to stay with the police until they find someone that'll take you."

Samantha added: "Sometimes I was going missing because I was unhappy in the placement, sometimes I don't even know why I went missing, and I'd just sleep outside, sometimes on my own, like, I thought I was invincible ...it was dangerous, but yeah, sometimes I don't know why I went missing."

Samantha described a time when she

tried to go to school but the staff at her children's home would not give her a bus fare or drop her off.

She said: "The only way I knew to get there was down the motorway, the way that they used to take me in the car to get to school, so I walked down the motorway ...and then the police came and picked me up and took me on the bus and said if I got caught again, I would be arrested for jaywalking on the motorway."

Eventually, Samantha gave up going to school, but not on the idea of an education and making something of her life. She spoke about how difficult this was for her.

She said: "So I didn't go to school for the last couple of years but I turned up to sit my exams and I came out of a three-hour maths exam and was handcuffed by the police, handcuffed to a policewoman so that I didn't go missing because I was missing and sleeping in my boyfriend's car at the time, but I did go for my exam."

'My mum hadn't answered the phone and I felt alone'

SOPHIE was 14 when she was placed in secure care on welfare grounds. After three months she was moved to a children's home in a rural village located an-hour-and-a-half's drive from home.

She did not have a phone or access to the internet and she was not allowed out. She felt isolated, and this was made worse by the actions of some of the staff in the home.

She said: "One day my mum hadn't answered the phone and I felt pretty like alone. I was skiving from school at the time as well. I didn't want to go in. And then when I didn't go to school they didn't take me out and they didn't give me money."

"It was kind of like I was stuck in the house and couldn't really do nothing ...I just started smashing cups and plates and didn't really know what else to do, because no one was really listening to how angry I was."

"No one was kind of taking me out or nothing like that. I smashed all the cups

and they called the police.

"Obviously because they called the police, I thought I'd be arrested instantly or not at all. But that wasn't the case. It was like two days later they came out and arrested me on a weekend."

Sophie described an incident where the manager of the children's home reported her to the police for assault because she had thrown a yogurt. She received a caution.

She said: "I must have been cleaning the house one time. I was mopping it and [the manager] went out for a fag and came back in and obviously she had muddy feet and she walked her feet through the house and I said, I was like, 'Are you joking? Come on now'."

"She was really, like she was really horrible ...She just smiled and said, 'You go over it.'"

"And so, I just thought, well - there was a yoghurt nearby ...and I just chucked it over her because she just smiled and it was that smile she had."

National acclaim for projects that make communities safer

SUCCESSFUL community projects that reduce crime and transform lives for the better have been honoured with prestigious national awards.

The Howard League gave Community Awards and commendations to more than a dozen of the very best schemes in the UK.

The presentations were among the highlights on a busy day of activities, which included a major policing conference and the charity's annual general meeting.

Catryn Yousefi, Programmes Manager at the Howard League for Penal Reform, said: "Our Community Awards celebrate successful projects and pioneers who guide people away from crime and make us all safer.

"Only the very best schemes in the UK are honoured each year and, once again, we were delighted to receive so many high-quality nominations."

The Organisation of the Year category was won by Just for Kids Law, a charity that provides legal representation and advice, direct advocacy and support and campaigning to ensure children and young people in the UK have their legal rights and entitlements respected and promoted.

Other award categories determined by the judging panel were: women; restorative approaches; policing and adults; policing and children; liaison and diversion; and residential care.

The Howard League also presented awards to three outstanding individuals, who were crowned Criminal

Justice Champions for their work – Linda Bryant, Alasdair Jackson and Lady Edwina Grosvenor.

Linda Bryant, Chief Executive of the charity Together for Mental Wellbeing, has worked alongside people experiencing mental distress for almost 30 years.

Alasdair Jackson works for Recycling Lives, which helps people in prison and people who have been released from prison, offering opportunities for training, employment, accommodation and personal support to reduce their risk of offending.

Lady Edwina Grosvenor set up the One Small Thing organisation in 2015, aiming to change the way the criminal justice system deals with women. In the past three years it has rolled out training to 4,000 prison officers, senior leaders and other criminal justice professionals working with women.

The awards were presented at the 'Policing the Community' conference, which featured presentations by speakers

including MPs, David Lammy and Ann Coffey, and members of the House of Lords, Lord Bradley and Lord Paddick, as well as police officers and criminal justice experts.

The conference included sessions on the policing of children and adults, and a discussion about issues highlighted by the Howard League's programme to end the criminalisation of children in residential care.

The conference was followed by the Howard League's annual general meeting, where the Chair of the Justice Committee, Bob Neill MP, was the guest speaker. He gave a speech about the committee's work before answering questions from the audience.

The conversation touched upon a wide range of topics, including: women in the criminal justice system; drugs and overcrowding in prisons; the age of criminal responsibility; sentencing of young adults; recalls to custody; and the plight of prisoners serving sentences of Imprisonment for Public Protection.



Bob Neill MP addressed the annual general meeting



Left to right: Ann Coffey MP, Amber James of Hampshire County Council, researcher Claire Sands and Andrew Neilson of the Howard League discussed the criminalisation of children in residential care

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All images: Andy Atchison

David Lammy MP reviewed the treatment of, and outcomes for, black, Asian and minority ethnic people in the criminal justice system



Members of the Wakefield Liaison and Diversion Youth Pathway team, winners of the policing and children category, were presented with a Community Award by Howard League trustee Gerry Marshall

Award winners

Organisation of the Year: *Just For Kids Law.*

Criminal Justice Champion: *Linda Bryant, Together for Mental Wellbeing; Alasdair Jackson, Recycling Lives; Edwina Grosvenor, One Small Thing.*

Women: *Restore Project, Well Women Centre.*

Restorative approaches: *Circles of Support & Accountability, Respond.*

Policing and adults: *Pathfinder, Devon and Cornwall Police.*

Policing and children: *Wakefield Liaison and Diversion Youth Pathway, West Yorkshire Liaison and Diversion.*

Liaison and diversion: *Birmingham and Solihull Liaison and Diversion Service, Birmingham and Solihull Mental Health Foundation NHS Trust.*

Residential care: *Engage, The Caldicott Foundation.*

Principles for young adults would improve sentencing decisions

THE Howard League has devised five principles for sentencing young adults, which, if applied, would assist courts and prevent more people becoming caught up in crime.

The principles, designed for young adults aged 18 to 25, are in line with developments in case law, science and social studies.

The Howard League brought together an advisory group of experts to help draft the principles, drawing on the charity's legal and participation work and the growing knowledge base about the needs and characteristics of young people.

Dr Laura Janes, Legal Director at the Howard League for Penal Reform, said: "The Howard League's legal and participation work with young adults shows that sentencing can have an enormous impact on their development and life chances.

"In spite of overwhelming evidence that young adults should be treated as a distinct group from older adults, the sentencing process, as it stands, does not sufficiently factor in the lessons from neuroscience, psychology and criminology.

"If applied, the sentencing principles proposed by the



Andy Aitchison

Sentencing can have an enormous impact on young adults' life chances

Howard League would enable judges and magistrates to make better-informed decisions, and prevent more young people from being swept into deeper currents of crime and despair."

More than 140,000 young adults aged 18 to 24 were

sentenced to a community penalty or imprisonment in criminal courts in 2017.

Imprisonment of young adults can have tragic consequences – between 2006 and 2016, 164 young adults aged 18 to 24 died in custody,

of whom 136 lost their lives through suicide.

There is now a consensus that young adults aged 18 to 25 should be treated as a distinct group from older adults, largely because they are still maturing.

The five sentencing principles:

Young adults, typically aged 18 to 25, should be treated as a distinct category for the purposes of sentencing.

Custody should be a last resort for young adults.

Where a custodial sentence is imposed, the term should take into account the impact of prolonged custody on the young adult's well-being and life chances.

The period of any custodial term should be less than that imposed on an older adult.

When considering mitigating factors, attention should be paid to how they particularly affect young adults.

Evidence indicates that development of the frontal lobes – the area of the brain that helps to regulate decision-making and the control of impulses that underpin criminal behaviour – does not cease until the age of about 25.

Join today

By becoming a member, you add your voice to our movement and help ensure its success. Our members are our strength, our advocates and our most important source of knowledge and financial support.

With your help, we can continue to achieve real and lasting change in the criminal justice system. Please join today.

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