

Howard League for Penal Reform

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1 Ardleigh Road
London N1 4HS
Tel: 020 7249 7373
Fax: 020 7249 7788
Email: info@howardleague.org
Web: www.howardleague.org

Rt Hon Rishi Sunak MP
Chancellor of the Exchequer
HM Treasury
1 Horse Guards Road
London SW1A 2HQ

Dear Rishi Sunak

Founded in 1866, the Howard League is the oldest penal reform charity in the world. We have over 13,000 members, including lawyers, politicians, business leaders, practitioners, prisoners and their families and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and receives no grant funding from the UK government.

I appreciate the delaying of the autumn budget means that a longer-term comprehensive spending review has been delayed in turn. Nonetheless, I am writing to you directly to impress the importance of a hard-headed approach to the waste and scandalous failure in the prisons system.

A hard-headed approach to criminal justice is not based on ever-lengthening prison sentences or quashing opportunities for early release. Instead, it must be led by the evidence and look at what will truly create less crime in the first place. On that test, successive governments have failed when it comes to the prison system.

Spending on prison systems has been dogged by short-term responses to managing crisis. There are times, like those we live in now, where that may be the only available response. But sooner or later spending public money must be matched to strategic priorities which seek long term national progress. I am sure this will resonate with you as Chancellor for the Exchequer.

The state of the prisons has been holding our country back for decades. I wish to draw your attention to three key arguments which must come to the fore of government thinking sooner rather than later. As you will see, the Treasury has an important role to play.

Spending money on prisons is not working

The current strategy on continuing to expand the prison estate is irrevocably flawed. Only through managing the prison population down will safe, decent and purposeful prisons be achieved.

The recent report from the Public Accounts Committee (PAC) on improving the prison estate¹ lays bare the failure in the management of prisons—and this even before the coronavirus pandemic.

Despite promises to create 10,000 new-for-old prison places by 2020, just 206 new places had been delivered and prisoners continue to be held in unsafe and overcrowded conditions. A backlog of maintenance work costing more than £900m has built up and some 500 prison places are taken permanently out of action each year, due to their poor condition.

As the PAC details, failure to reduce reoffending costs the economy some £18.1bn each year and despite previous recommendations, there is still no sign of a cross-government strategy for reducing reoffending. Instead, the emphasis on lengthening time served in prison will only heap more pressure on a system that cannot provide decent conditions to the population it already houses.

It need not be this way. The Ministry of Justice's prison transformation programme is an expensive and flawed initiative which spends money at the wrong end of the system. It compounds the mistakes made by successive governments.

A succession of flagship initiatives has failed to deliver meaningful and lasting improvements to prison conditions in recent years. But going further back, it is evidence that successive governments of different political stripes have placed an emphasis on supplying new prison places, rather than better managing demand on the estate by reducing the prison population. This is a thoroughly discredited and failed approach.

Under Labour administrations in the 2000s, thousands of new prison places were built and yet prisons remained overcrowded and outcomes for prisoners remained poor. The prison population almost doubled from where it stood under Margaret Thatcher's government. Serious challenges need to be addressed, such as people still imprisoned under indeterminate sentences for public protection years after their tariff date yet remaining in prison.

Spending money on new prisons has been shown to compound existing problems in the prison estate and will stretch resources further. Two 'flagship' prisons built by different governments, one opened in 1992 and the other opened more recently in 2017, exemplify the failure of this approach.

Woodhill prison was opened in 1992 and expanded in size in 1996. It has been the subject of many critical inspection reports. The most recent inspection in 2018² found a "significant deterioration in the areas of safety and activity" and outcomes for prisoners were judged to be poor in both. Chronic staff shortages and inexperience underpinned all the concerns highlighted by inspectors, leading to poor time out of cell and limited activity. A restricted regime had been in place for three years and during the working day half the population was found locked in their cells. Levels of

¹ <https://publications.parliament.uk/pa/cm5801/cmselect/cmpubacc/244/24402.htm>

² <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2018/06/Woodhill-Web-2018.pdf>

violence were high, and inspectors found the prison's response to be insufficient or lacking in "nearly all respects". The number of self-inflicted deaths at Woodhill remained a "huge concern". A prison less than three decades old is now an extremely troubled establishment facing serious problems.

Berwyn prison in north Wales demonstrates how even the newest prisons simply exacerbate problems in the prison estate. Built at a cost of £250m and designed to house 2,106 men, the prison was holding only 1,273 prisoners when inspectors visited in March of last year. Despite its population being kept at this level, the inspection³ found a number of serious problems. Use of force was higher than in similar prisons and incidents usually involved the full application of restraints. Staff were inexperienced and levels of violence against staff were high. Almost half of prisoners said drugs were easy to get. Despite Berwyn's designation as a training prison, 28 per cent of prisoners were locked up during the working day. Inspectors also found 25 prisoners self-isolating who were completely unsupported by staff. The flawed design of the prison, forcing the majority of men to share small cells which includes a shared toilet, means that this will be the slum prison for generations to come.

As long as the government persists in expanding prison capacity, we will continue to see a record of failure in the prison system. Instead of building new prisons, the government should be closing prisons that are no longer fit for purpose.

Reducing the prison population means investing resources in the community

An effective strategy, which does not simply focus on reacting to immediate prison population and maintenance problems, should manage demand on the prison estate by reducing the number of people held behind bars.

This means the priority for investment should be in the community and not in custody, as properly resourced community responses to crime will reduce pressure on the prisons, improve public safety and protect victims.

The government's record on this since last year's general election presents a mixed picture. On the one hand, the recent decision to abandon proposals to end the use of short prison sentences is a retrograde step and the government's manifesto commitments will lengthen sentences, increase time served in custody and load even more pressure on a system already struggling to cope.

At the same time, the prison population has fallen during the pandemic – primarily because lockdown has greatly restricted courts business. As of Friday 9 October, the prison population in England and Wales stood at 79,070 people. This is 4,444 fewer people in prison than this time last year.

The Ministry of Justice has also made recent welcome announcements about the future of probation which effectively abandon the failed experiment in market reforms introduced by Chris Grayling when he was the Secretary of State. With prison numbers falling and a renewed focus on rebuilding the probation service, the

³ <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2019/07/Berwyn-Web-2019.pdf>

government could yet change course and begin investing money where the system really needs it – in the community.

Once the prison population is reduced and prisons are closed, then money can be invested in modernising the remaining prison estate and invested in staffing so that prisons are safe and decent places providing purposeful regimes.

Spending for the future

Renovation of dilapidated prisons would have to go hand in hand with a significant reduction of population in order to maintain decent conditions into the future. Placing priority on spending money to build new prisons is repeating the mistakes of the past. It is also spending money on endlessly trying to manage those past mistakes, rather than spending money on shaping a future free of those mistakes. As the country rebuilds itself after the pandemic, the government must look to invest in the future.

The state of the prisons is a visual reminder that our criminal justice system is outdated and holds our country back. The priority for public spending must move away from attempting to manage unsolvable systemic problems and instead bear down on solving the problems of individuals who commit crime. Ensuring all members of our society can reach their potential and contribute to their communities is the lasting way to make progress as a nation.

I would welcome the opportunity to discuss these issues in due course, once the immediate emergency of Covid-19 has receded and the brighter future everyone wants lies there ready to be seized.

Yours sincerely

Frances Crook

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