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Prisons

The clang of the gate

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The British government has been accused of both stuffing prisons and letting too many convicts out. Oddly, both accusations are true

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BRITAIN'S prisons are full. Tiny cells, some of them 150 years old, have already been doubled up to house two inmates. Almost every day, governors are told to make space for a new batch of prisoners, who often arrive in the evening and may be moved again as soon as the following day. This coming and going, which governors call "churn", is disruptive and disorientating. It can also be deadly. "If I can get through a week without somebody killing themselves, that's a pretty good week," says one prison governor.

Anne Owers, the prisons inspector, has sounded the alarm. With 77,800 inmates, the prisons of England and Wales are now just 1,700 short of their "useable operational capacity". When that point is reached, they simply will not be able to take any more people without resorting to such measures as mixing men and women prisoners. John Reid, the home secretary, is expected to announce next month how he plans to reduce pressure on the system. But one option has already been ruled out. Mr Reid, in common with the prime minister, wants many offenders to be given stiffer sentences.

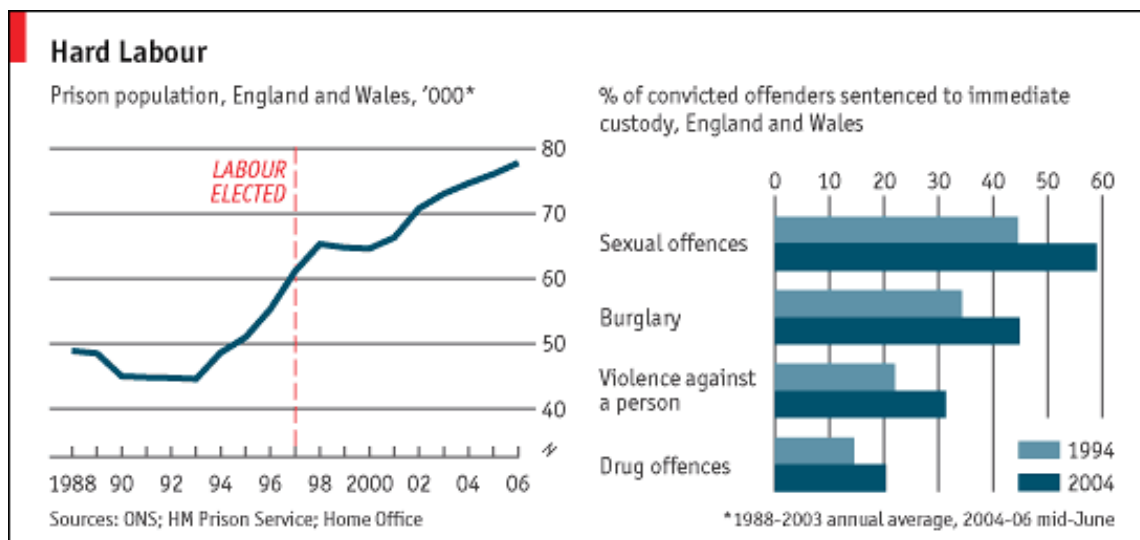
He said so last week, following the trial of Craig Sweeney, who sexually assaulted a three-year-old girl before packing her into his car and fleeing from the police. Mr Sweeney had only just been released early from custody when he committed his crime (he had previously been jailed for assaulting a six-year-old). This time he was

sentenced to life imprisonment, but the judge in his case admitted that, after taking account of his guilty plea and days spent awaiting trial, he might be paroled in little more than five years. Britain's tabloid newspapers were furious; so was Mr Reid, who called the tariff "unduly lenient". A prompt review of sentencing is promised.

Mud of all kinds sticks to the Home Office these days. But it is quite something for a department to be accused of having a penal policy that is both too tough and too lenient. The accusations seem contradictory. How can it be that Britain's prisons are full and that monsters like Mr Sweeney are freed to walk the streets?

The reason the prisons are stuffed is that more offenders are being sent to jail for longer. The trend can be seen both in the magistrates' courts, which hear most cases, and in the Crown Court, which dishes out the longest prison terms. English and Welsh magistrates have lost faith in fines, which they used to favour (in Scotland, which has a different legal system, they still do). Despite high re-offending rates among ex-convicts, many believe that what one calls "the clang of the prison gate" is the best deterrent. In 1994 magistrates sentenced fewer than 5% of shoplifters to prison; by 2004 they were putting away four times as many.

Judges have been influenced by an act passed in 2000, which laid down tough minimum sentences for such heavy types as second-time violent offenders and third-time burglars. Because judges tend to have a strong sense of the relative seriousness of offences, and sentence according to this framework, the act had the effect of raising penalties all round. The average Crown Court sentence for burglary has risen from 21 months to 25 months since 2000; for robbers, it has increased by three months. Tacking a month onto the average sentence length adds around 1,800 to the prison population.



Overcrowding could have been lessened by building more prisons. But the government has added capacity gradually—more slowly than the prison population has risen, and much more slowly than the Conservative Party wants. Instead, it has expanded alternatives to prison. More offenders are now given community sentences. More ex-convicts are on parole, often wearing electronic tags and subject to curfews. Thanks to a change in the law, many of those sentenced since April 2005 will be released halfway through their sentences (not two-thirds of the way through, as before) but they will be watched by probation officers for longer.

Underpinning such reforms is a great weight of evidence that offenders, particularly young thieves, benefit little from prison. But the rise of community punishment has had two unfortunate effects. First, many ex-convicts have been returned to prison for breaching the terms of their licences—sometimes for nothing more serious than failing to turn up to appointments. In some prisons, one in nine inmates falls into this category. Recalled prisoners do not just swell the prison population and thereby subvert the point of early-release schemes; since many are angry and disillusioned, they also change its mix for the worse. And the second problem, of course, is that some of those who are released early commit horrific crimes.

Going straight

The overcrowding of Britain's prisons is more than a symptom of tougher criminal-justice policies. It has also become an implicit spur to consider alternatives. Two years ago, this became explicit in a proposal to make judges and magistrates take account of prison capacity when passing sentence. The measure was dropped, but the message remains: prison is a bad option; think of something else.

Prisons are indeed bad, and in some ways are becoming worse. Although much better managed than in the past, churn means that jobs are interrupted and relationships broken. On occasion, partners and children turn up at one Victorian edifice, only to be told that the person they came to visit has been moved 50 miles to another one. This is not just a problem for the prisoners. John Staples, a former prison governor, says convicts who keep in touch with their families are far more likely to go straight on release. By straining such bonds, the prison system is storing up trouble for the future.

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