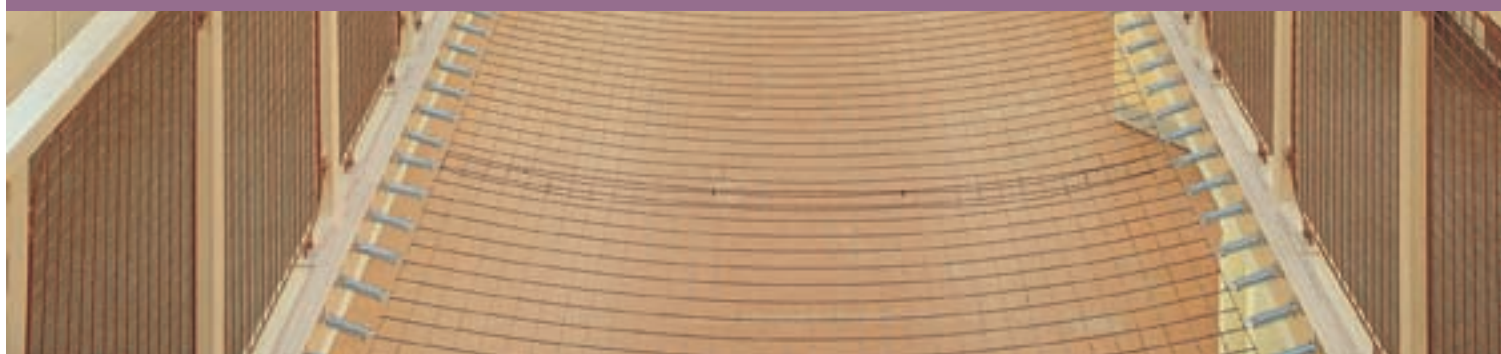


Key messages

Managing increasing prisoner numbers in Scotland



Prepared for the Auditor General for Scotland
May 2008



Auditor General for Scotland

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- further education colleges
- Scottish Water
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Key messages

Background

1. Scotland's prisoner population has been increasing since the early 1990s and in April 2008 reached an all-time high of around 7,700. The current design capacity of Scotland's prisons is around 6,600 – around 1,100 less than the number of prisoners held.

2. The Scottish Prison Service (SPS) spends around £280 million each year running 14 prisons. SPS' running costs have not increased (in real terms) since 2000/01. A rising prisoner population increases the pressure on SPS to achieve its vision of providing a prison estate that is fit for purpose. It also limits the opportunity to deliver services such as education, employment training and rehabilitation programmes which contribute to reducing re-offending, and to provide healthcare to the high proportion of prisoners with mental health and addiction problems.

3. Prison is only one of a range of sentencing options available to Scotland's criminal courts. Defendants who are found guilty may receive a fine or a community sentence. Community sentences, such as Probation Orders and Community Service Orders, are administered by councils' social work criminal justice teams. Community Justice Authorities (CJAs) were established in April 2007 to improve joint working between councils, SPS and other organisations involved in the management of offenders as a means of reducing re-offending.¹

The study

4. Audit Scotland has assessed how Scotland is managing the demand for increasing prisoner places. We examined a range of issues, including:

- the rise in prisoner numbers, and factors which may explain this increase
- the extent and effects of overcrowding in Scotland's prisons
- the cost of accommodating increasing prisoner numbers
- long-term investment in the Scottish prison estate
- community sentences in Scotland.

5. In the course of the study, we:

- analysed published and unpublished information from the Scottish Government, SPS and other sources
- visited nine prisons to interview staff and prisoners, and review relevant documents
- interviewed SPS managers, Scottish Government officials, council staff, sheriffs and academics
- reviewed other countries' approaches to managing prisoner numbers.

Key messages

1 Prisoner numbers in Scotland have increased significantly since 2000/01 and are projected to increase by a further 18 per cent over the next nine years. Scotland has one of the highest imprisonment rates in Western Europe.

6. Between 2000/01 and 2006/07, the average daily prisoner population in Scotland increased by 22 per cent, from 5,883 to 7,183. The Scottish Government projects that prisoner numbers will increase by a further 18 per cent to around 8,500 in 2016/17.

7. Since 2000/01, there has been a significant rise in the number of remand prisoners, short-term prisoners (sentenced to less than four years) and female prisoners.² This puts pressure on local prisons which are already among the most overcrowded in Scotland, and on the limited facilities for female prisoners at HMP Cornton Vale.

8. The increase in overall prisoner numbers is due to a number of factors, including:

- changes in sentencing patterns, including an increased use of remand
- a large increase in the number of people who are returned to prison having breached arrangements such as supervised early release, parole or tagging (from 145 in 2000/01 to 519 in 2006/07)
- changes in legislation, including the introduction of mandatory minimum sentences for certain crimes and extensions to certain maximum sentences.

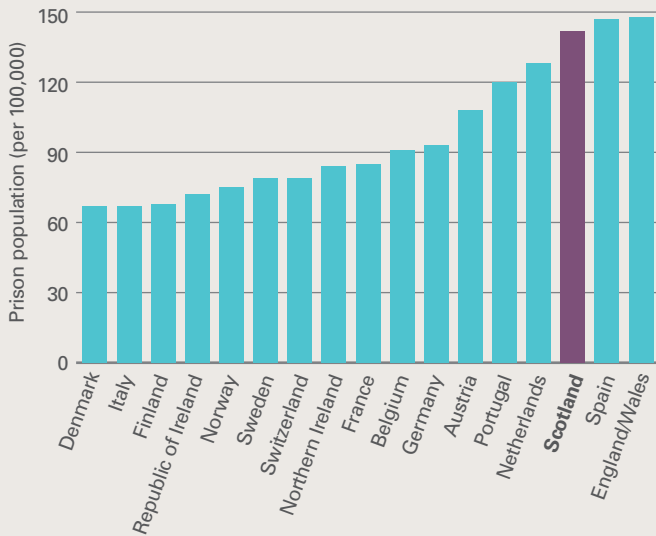
¹ Community Justice Authorities were established by The Management of Offenders, etc. (Scotland) Act 2005. The eight CJAs – which cover all 32 councils in Scotland – are: Fife & Forth Valley; Glasgow; Lanarkshire; Lothian & Borders; North Strathclyde; Northern; South West Scotland; and Tayside.

² Remand prisoners include untried prisoners and convicted prisoners who are waiting to be sentenced. In 2006/07, 85 per cent of the average remand population in Scotland were untried prisoners.

Exhibit 1

Prisoner numbers per 100,000 population (Western Europe)

Scotland has a high imprisonment rate compared with other countries.



Notes:

1. These are the latest figures from the International Centre for Prison Studies' website. Dates for individual countries vary.

2. The US has the highest imprisonment rate of any country at around 750 prisoners per 100,000 population.

Source: International Centre for Prison Studies, January 2008

9. Scotland has one of the highest imprisonment rates in Western Europe (Exhibit 1). Other countries have used a range of approaches to either accommodate or reduce prisoner numbers. These include building more prison capacity, capping prisoner numbers and ensuring that community sentences are used as direct alternatives to prison.

2 Most prisons in Scotland are overcrowded but the extent varies among and within prisons. Nearly half of prisoners share cells and around a fifth share cells designed for one person. SPS uses short-term measures to alleviate overcrowding.

10. In February 2008, 11 out of Scotland's 14 prisons were overcrowded.³ The three prisons which were not overcrowded were Perth (which opened a new houseblock in November 2007), and two prisons – Shotts and Peterhead – which house long-term prisoners only.

11. Overcrowding also varied within certain prisons, for example, the two houseblocks at Greenock housing long-term prisoners were not overcrowded but the occupancy level in the third hall (housing short-term and remand prisoners) was 140 per cent of design capacity.

12. Around half of prisoners in Scotland share cells with other prisoners. Around a half of these prisoners share cells designed to accommodate two or more people but the other half share cells designed for one person (Exhibit 2).

13. SPS uses short-term strategies to alleviate the effects of overcrowding in particular prisons:

- early and temporary release schemes which allow some prisoners to spend parts of their sentence in the community
- transferring prisoners to other prisons.

14. The increased use of early and temporary release schemes for eligible prisoners has freed up around 400 prisoner places:

- Around 300 short-term prisoners assessed as a low security risk are currently serving the final parts of their sentences in the community on Home Detention Curfew (HDC). If these prisoners were not on HDC, Scotland's prisons would be even more overcrowded.

- Prisoners at the Open Estate may be eligible to spend several days per month at home.⁴ Between May 2006 and March 2007, home leave was extended from three to seven days, which allows the prison to rotate four prisoners among three cells, as one of the four will be on home leave at any given time. Extending home leave has increased the number of places at the Open Estate by around 90.

15. SPS attempts to alleviate overcrowding by transferring prisoners to other prisons. Between 2001 and 2006, there were wide variations among individual prisons in the number of prisoners transferred to other prisons, for example, the number of prisoners transferred from HMP Inverness, which is regularly overcrowded, to other prisons increased by 111 per cent (from 228 to 480).

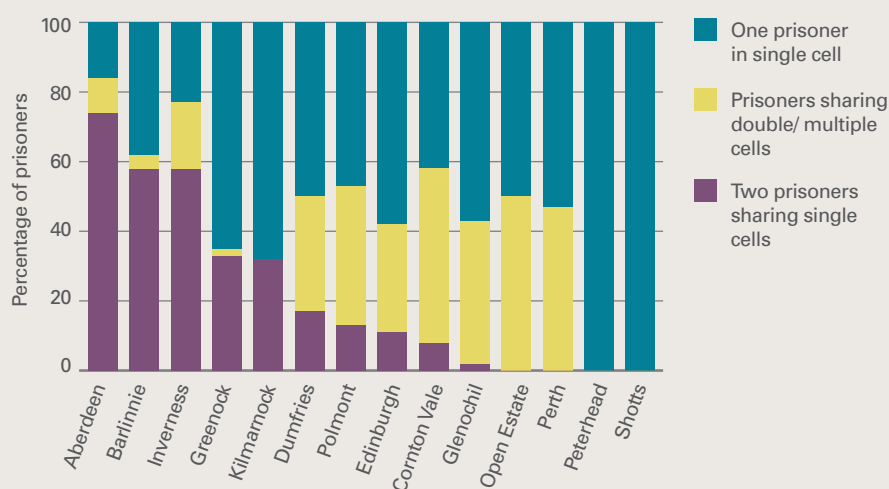
³ The level of overcrowding among Scotland's prisons varies over time.

⁴ Prisoners at the Open Estate are held in open conditions to help their reintegration into the community after they are released.

Exhibit 2

Extent of cell sharing among Scotland's prisons, February 2008

A fifth of prisoners in Scotland share single cells.



Note: The exhibit does not include 80 prisoners from the Open Estate who were on home leave.
Source: Scottish Prison Service

3 Overcrowding negatively affects prisoners' accommodation and access to rehabilitation activities, with remand and short-term prisoners most affected.

16. Her Majesty's Chief Inspector of Prisons for Scotland has described a range of potentially negative effects of overcrowding for prisoners.⁵ These include: increased cell sharing, more time locked in cells, and restricted access to activities such as work and education.

17. We found that many prisoners considered cell sharing to be the worst aspect of overcrowding. Remand prisoners and short-term prisoners are most likely to have to share cells with other prisoners.

18. Prison Rules state that wherever possible untried prisoners should be kept apart from other prisoners.⁶ However, we found that a lack of accommodation in some prisons means that untried prisoners may share halls (and in some cases, cells) with convicted prisoners. This can lead to increased tension among prisoners.

19. Providing prisoners with work and other activities helps to maintain order in prisons and may help prisoners to reintegrate into the community after release. We found that both the availability of activity places, and the numbers of hours which prisoners spent on activities such as education, work skills training and physical exercise, vary widely among prisons. In 2006/07, prisoners at HMP Barlinnie, which is one of the most overcrowded prisons in Scotland, spent an average of 20 minutes per day on these types of activity. The average for prisoners in Scotland was around 50 minutes per day.

20. Prisoners may also be involved in other activities such as routine work (where it is available), visits and recreation. Long-term prisoners are given priority access to work places and due to rising prisoner numbers and lack of facilities, there are insufficient work and activity places for all prisoners. This has led to many prisoners being locked in their cells for long periods, for example, some prisoners in Aberdeen can be locked in their dormitories for 22 hours a day,

and remand prisoners in Polmont may spend 23 out of 24 hours locked in their cells.

21. Due to changes in staffing levels – for example, fewer prison officers were required after the prisoner escort contract was awarded to a private contractor – the recent increase in prisoner numbers has not been matched by a corresponding increase in prison officers. As a result, in 2006/07 there were fewer prison officers per prisoner – a ratio of 1:2.6 – than in 2000/01 (1:2.1). This affects prisons' capacity to engage prisoners in rehabilitation activities but relationships between prisoners and prison officers are generally good.

22. Some prisons have not met all SPS targets for assessing prisoners' requirements for interventions aimed at reducing re-offending. As a result, prisoners may not be offered suitable activities or access may be delayed. This may affect their rehabilitation and chances of early release, for example, long-term prisoners may not be allocated to appropriate rehabilitation activities which could hinder their chances of progressing to the Open Estate.

23. Family contact can play an important part in helping prisoners through their sentences, and in reducing the risk of re-offending. The frequency and duration of prisoner visits varied widely among prisons. Moving prisoners to other prisons to alleviate overcrowding may also be disruptive for prisoners and their families.

24. Many prisoners have significant health problems and rising numbers place a burden on the healthcare resources available in prisons. Although prisons in Scotland may increase healthcare resources to meet increasing demand – for example, by providing additional staff – we found that an increasing prisoner population puts pressure on services and can lead to increased waiting times for prisoners.

⁵ Her Majesty's Chief Inspector of Prisons for Scotland Annual Report 2005/06, Scottish Executive, November 2006.

⁶ The Prisons and Young Offenders' Institutions (Scotland) Rules 2006, Scottish Statutory Instrument 2006 No. 94.

25. A high percentage of prisoners in Scotland have drug addiction problems. Methadone is used to manage addiction to certain drugs, mainly heroin. Since December 2004, the number of methadone prescriptions dispensed in Scotland's prisons has increased at a faster rate than the prisoner population. The increasing number of prisoners receiving methadone puts pressure on healthcare staff to deliver prescriptions and to attend to their other duties.

4 SPS has provided temporary accommodation for the increasing number of prisoners, and has incurred increased costs associated with admitting, accommodating and transferring prisoners.

26. In 2005, SPS spent around £7 million on two temporary houseblocks to provide an additional 240 places. These facilities can be built relatively cheaply and more quickly than permanent houseblocks. However, they are only expected to last for between ten and 25 years, they are only available to low-security prisoners and they may require higher maintenance than permanent houseblocks.

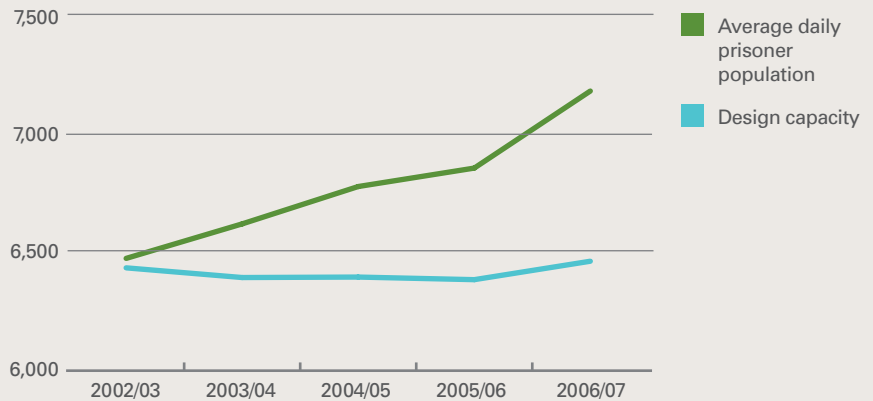
27. SPS does not have a costing system which records its spending on individual services, but we have attempted to identify the additional cost of providing services which are related to the rise in prisoner numbers.

- Based on an SPS exercise to measure staff time spent admitting and releasing prisoners, we estimate that the administrative cost of admitting and releasing prisoners has risen by two-fifths, from £6.3 million in 2000/01 to £8.8 million in 2006/07.
- In 2006/07, the cost of additional payments to some prisons to cover the costs of accommodating extra prisoners was £1.5 million – three times more than the amount paid in 2004/05.

Exhibit 3

Average design capacity versus average daily prisoner population, 2002/03 to 2006/07

The prisoner population has increased by more than the design capacity.



Source: Scottish Prison Service

- Payments to a private contractor to provide prisoner transfer and escort services rose from £18.7 million in 2005/06 to £22.2 million in 2006/07 – an increase of 19 per cent.

5 Significant recent investment in the prison estate has improved conditions but the number of prisoner places has remained largely unchanged. Plans to increase prison capacity by around 1,900 places may not be sufficient to accommodate projected prisoner numbers.

28. In 2002, the design capacity of the prison estate was around 6,300 and the Scottish Executive projected that the average prisoner population would increase from 6,200 to 7,200 in the ten years to 2010/11. SPS stated that 3,300 new prisoner places (including 2,200 places at three new prisons) would be required by that date to increase the capacity of the prison estate and replace unfit accommodation.

29. SPS has focused additional funding from the Scottish Executive on redeveloping four prisons – Edinburgh, Glenochil, Perth and Polmont – and on upgrading accommodation at other prisons to ensure they are fit for purpose. Since 2002, SPS has provided around 2,700

prisoner places to replace outdated accommodation at existing prisons. This has significantly improved the condition of the prison estate but the overall design capacity has increased by less than 200.

30. Prisoner numbers have risen significantly more than projected. This has resulted in the design capacity in 2006/07 being around 720 less than that needed to accommodate, on average, around 7,200 prisoners (Exhibit 3).

31. SPS has spent £247 million on the four development prisons, including £160 million on new permanent houseblocks to replace outdated accommodation. Other prisons have also benefited from smaller-scale investment. SPS has ended 'slopping out' practices in all prisons except HMP Peterhead and has provided electric power in cells through a £16 million refurbishment programme.

32. Planned developments will further increase the number of places available and improve conditions by the end of 2013. However, there are currently no plans to develop some of the oldest and most overcrowded prisons – including Barlinnie, Greenock and Inverness – or Cornton Vale, which is the only national prison for female prisoners.

33. New houseblocks at HMP Edinburgh and HMYOI Polmont will provide 250 places and HMP Addiewell will provide 700 places when it opens in late 2008. Planned new prisons at Bishopbriggs and in the North East may provide a further 1,000 places by the end of 2013.

34. The Scottish Government projects that prisoner numbers may increase by around a fifth to 8,500 by 2016/17. A range of factors – including the accuracy of projections and the effects of new legislation – will determine whether current plans will be sufficient to meet projected demand for accommodation.

6 The use of community sentences has increased by more than a half since 2000/01 but their use may still be restricted by availability, waiting lists and limited evidence of their effectiveness.

35. Between 2000/01 and 2006/07, the total number of community sentences imposed increased by more than a half to 19,761 (Exhibit 4). This increase, together with the introduction of Drug Treatment and Testing Orders, means that spending on community sentences increased by 81 per cent over the same period, from £19 million to £34 million.

36. Although comparing the costs of prison sentences with community sentences is not straightforward, community sentences may be less costly than prison. In 2008, the Scottish Government reported that in 2004/05 a six-month prison sentence cost an estimated £15,964, while the average costs of community sentences ranged from £442 for a Supervised Attendance Order to £11,727 for a Drug Treatment and Testing Order.

37. The availability of community sentences varies between council areas. In 2006/07, the Social Work Inspection Agency (SWIA) found that around a third of councils had waiting lists for community service placements.

Exhibit 4

Use of community sentences, 2000/01 to 2006/07

The use of community sentences is growing.



Note: Drug Treatment and Testing Orders were first piloted in 2000 and were included in national statistics from 2003/04.

Source: Scottish Government, December 2007

38. The Scottish Government has stated that community sentences may be at least as effective as prison sentences in reducing re-offending. However, more research is needed on the effectiveness of prison and community sentences.

Key recommendations

The Scottish Government should:

- consider how the accuracy of prisoner projections could be improved and the extent to which projections provide an appropriate base for planning future accommodation requirements
- produce clear plans setting out action to be taken to accommodate future prisoner numbers and to develop older prisons and national facilities
- monitor the availability and unit costs of community sentences across CJAs, and work with CJAs to ensure that appropriate non-custodial penalties are available in all CJA areas
- establish the relative effectiveness of prison and community sentences on reducing re-offending.

The Scottish Prison Service should:

- collect and report information to provide a clearer picture of the availability and delivery of prisoner activities
- consider further analysis of the cost of service delivery in each prison, including the costs associated with admitting, transferring and releasing prisoners, in order to identify scope for potential efficiencies
- assess the potential risks of legal challenges associated with prisoners sharing cells, spending long periods locked in their cells and sharing accommodation with other prisoner categories.

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