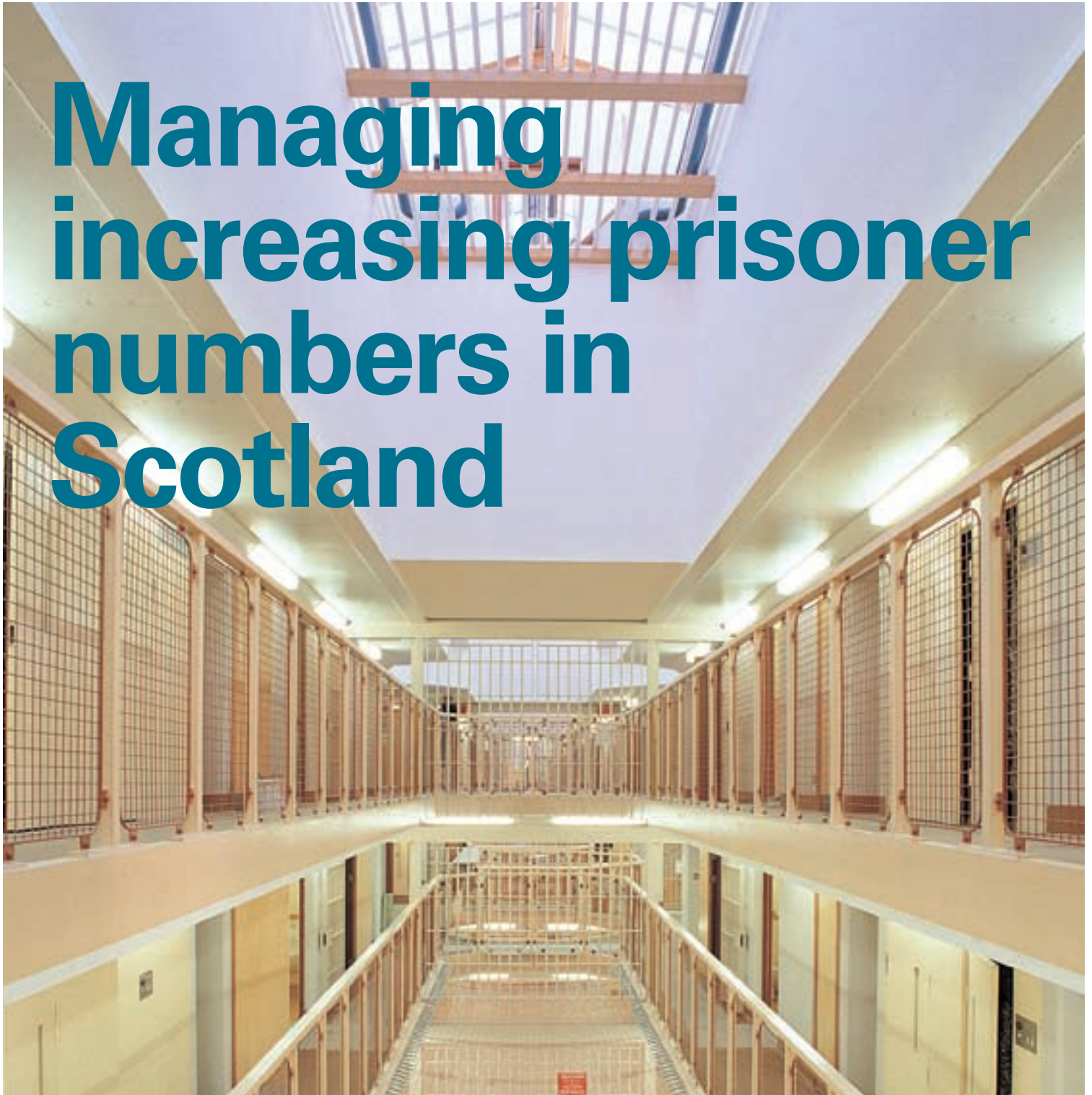


# Managing increasing prisoner numbers in Scotland



Prepared for the Auditor General for Scotland  
May 2008



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# Summary



Plans to increase prison capacity may not be sufficient to accommodate projected prisoner numbers.



## Introduction

1. Scotland's prisoner population has been increasing since the early 1990s and is projected to increase further. In 2006/07, the average daily prison population was around 7,200 – the highest annual figure ever recorded. In April 2008, the number of prisoners held in Scotland's prisons reached an all-time high of around 7,700. The current design capacity of Scotland's prisons is around 6,600 places – around 1,100 less than the number of prisoners held.

2. The Scottish Prison Service (SPS) is an executive agency of the Scottish Government and has to accommodate everyone sent by the courts, whether on remand or convicted.<sup>1</sup> SPS spends around £280 million each year running 14 prisons.

3. The current prison estate comprises a diverse range of prisons across the country (Exhibit 1). These include:

- 'Local' prisons which receive prisoners directly from the courts in their areas. Two local prisons (Aberdeen and Inverness) hold only remand and short-term prisoners (sentenced to less than four years). Others (Barlinnie, Dumfries, Edinburgh, Greenock, Kilmarnock and Perth) also hold long-term prisoners (sentenced to four years or more).<sup>2</sup>
- 'National' prisons which have long-term prisoners only (Shotts, Peterhead) or both long-term and short-term prisoners (Glenochil).
- HMP Cornton Vale, a national prison for female prisoners. HMP Inverness, which can accommodate up to 12 female prisoners, is currently the only other prison in Scotland which has female prisoners.

## Exhibit 1

### The location of Scotland's prisons

The prison estate comprises a diverse range of prisons across the country.



#### Notes:

1. Prisons we visited are highlighted in green.
  2. HMP Castle Huntly and HMP Noranside together comprise HMP Open Estate.
- Source: Scottish Prison Service

- HM Young Offenders Institution (HMYOI) Polmont, a national prison for male young offenders (aged 16 to 21). In 2006/07, there were, on average, around 1,000 young offenders in Scotland's prisons. Around 600 were held at Polmont and the others were held at local prisons.
- Two prisons – Castle Huntly and Noranside, which together comprise HMP Open Estate – holding adult male prisoners in open conditions. Prisoners in the Open Estate are mainly long-term prisoners (including those serving life sentences) in the lowest supervision level and who are approaching the end of their sentences. However, short-term

1 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.

2 HMP Kilmarnock is privately managed by Serco Ltd under contract to SPS. All other prisons are managed by SPS.

prisoners are also accommodated at the Open Estate in order to maximise its use. Prisoners at the Open Estate may be eligible to spend several days per month at home, and around a quarter of prisoners are on daily work placements in the community.

**4.** Between 2000/01 and 2006/07, SPS costs increased by £35 million in cash terms but decreased by around three per cent in real terms. During this period the average annual cost per prisoner increased by around ten per cent (from £28,114 to £30,989).<sup>3</sup>

**5.** Along with other public bodies in Scotland, SPS has made efficiency savings in recent years – in 2006/07 the reported figure was £7.8 million.<sup>4</sup> These savings have been achieved through a range of measures, including changes in staffing as a result of the design of new houseblocks and increased use of CCTV technology.

**6.** Since 2000/01, prisoner numbers have grown at a faster rate than the SPS budget. Although the cost of accommodating some additional prisoners can be absorbed within existing resources, significant increases in prisoner numbers puts additional pressure on SPS to achieve its vision of providing a prison estate that is 'fit for purpose'.<sup>5</sup> SPS' primary responsibility is to hold prisoners in a secure and safe environment and there may be a risk that high – and increasing – prisoner numbers may affect SPS' efforts to maintain good order in its prisons. Accommodating a rising prisoner population may also restrict SPS' ability to:

- deliver services such as education, employment training and rehabilitation programmes which contribute to reducing re-offending

- meet legal requirements to accommodate different categories of prisoner separately and provide prisoners with visits and other out-of-cell activities
- provide healthcare to the high proportion of prisoners with mental health and addiction problems.

**7.** In 2004, Lord Bonomy awarded a prisoner who had been held in HMP Barlinnie prison around £2,000 plus interest in damages following a challenge from the prisoner over the conditions in which he had been held. The judgement described prison conditions in terms of the 'triple vices' of slopping out, overcrowding and poor regime. Due to recent significant improvements in the prison estate, slopping out has ended in all prisons except Peterhead. This should minimise the potential for future challenges on a similar basis but continued overcrowding may leave SPS open to different legal challenges in the future.

**8.** 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.<sup>6</sup> From April 2007, CJAs are also responsible for distributing Scottish Government funding for councils' social work criminal justice activities.

**9.** This report provides an assessment of how Scotland is managing the demand for increasing prisoner places. The report is organised into six parts:

- The increase in Scotland's prisoner population (Part 1).
- The extent of overcrowding in Scotland's prisons and strategies to limit its effects (Part 2).
- The effects of prison overcrowding (Part 3).
- The cost of accommodating increasing prisoner numbers (Part 4).
- The long-term investment in the Scottish prison estate (Part 5).
- Community sentences in Scotland (Part 6).

**10.** This report draws on various sources, including:

- published information from the Scottish Government, councils and other sources
- SPS information on estate developments and costs, early release schemes, and relevant performance indicators
- interviews with SPS managers, prison staff, prisoners, Scottish Government officials, council staff, sheriffs and academics
- a review of selected other countries' approaches to managing prisoner numbers.

**11.** A project advisory group provided the study team with independent advice and feedback at key stages of the project. The membership of the group is shown in Appendix 1.

<sup>3</sup> SPS annual reports.

<sup>4</sup> *Efficiency Outturn Report for 2006/07*, Scottish Government, November 2007.

<sup>5</sup> *SPS Annual Report 2006/07*.

<sup>6</sup> 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.



## Summary of key messages

- Prisoner numbers in Scotland have increased significantly since 2000/01, with the highest ever number of 7,700 recorded in April 2008. The number of prisoners is projected to increase by almost 20 per cent by 2016/17.
- Most prisons in Scotland are overcrowded but the extent varies among and within prisons. Around a half of prisoners share cells with other prisoners and around a fifth are sharing cells designed for one person.
- Scotland has one of the highest imprisonment rates in Western Europe, and Scottish prisons are among the most overcrowded.
- SPS uses a number of short-term measures to alleviate overcrowding. A number of prisoners are allowed to serve parts of their sentences in the community, and SPS transfers prisoners to other prisons.
- Overcrowding negatively affects prisoners' accommodation and access to rehabilitation activities, with remand and short-term prisoners most affected.
- SPS has provided temporary accommodation to house the increasing number of prisoners, and has incurred increased costs associated with admitting, accommodating and transferring prisoners.

- Significant recent investment in the prison estate has improved conditions but to date the number of prisoner places has remained largely unchanged. Plans for increasing prison capacity will add a further 1,900 places. However, this may not be sufficient to accommodate projected prisoner numbers in the next nine years.
- Community sentences may be used as alternatives to prison and the use of such sentences has increased by more than a half since 2000/01. However, their use may still be restricted by availability, delays in starting community sentences and limited evidence of their effectiveness.

## Key recommendations

The Scottish Prison Service should:

- assess the potential risks of legal challenges associated with prisoners: sharing cells; spending long periods locked in their cells; and sharing accommodation with other categories of prisoner
- 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.

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 and monitor the effectiveness of CJAs and social work criminal justice activities.

# Part 1. The increase in Scotland's prisoner population

Prisoner numbers have reached an all-time high and are expected to rise further.



**Key messages**

- Scotland's prisoner population has increased by around a fifth since 2000/01, reaching its highest ever level of 7,700 in April 2008.
- Scotland has one of the highest imprisonment rates in Western Europe.
- Other countries have used a range of approaches to either accommodate or reduce prisoner numbers.

**12.** This part of the report examines how Scotland's prisoner population has increased in recent years and some of the factors behind this increase. It also looks at other countries' imprisonment rates and assesses the different approaches taken by some other countries to managing prisoner numbers.

**Scotland's prisoner population has increased by around a fifth since 2000/01**

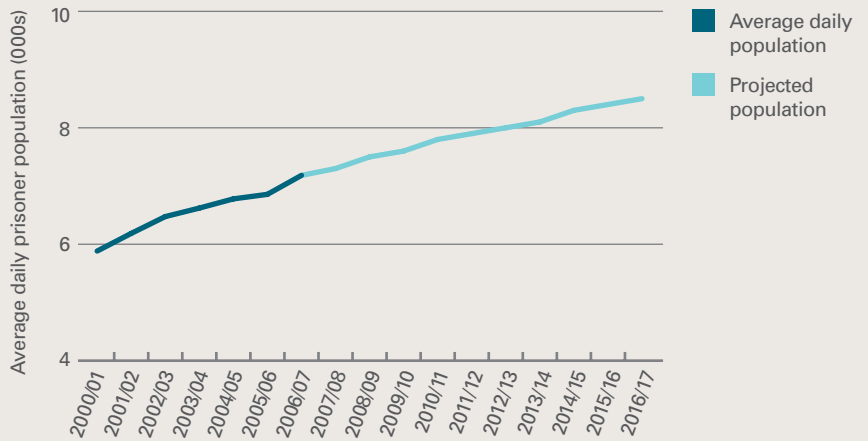
**13.** On 7 April 2008, Scotland's prisons held 7,736 prisoners – the highest number ever recorded. This represents a peak in a gradual trend which has seen the average daily prisoner population in Scotland increase by 22 per cent to 7,183 between 2000/01 and 2006/07. Current projections indicate that this trend will continue and in 2016/17 the prisoner population will have increased by a further 18 per cent to 8,500 (Exhibit 2).

**14.** Sentencers – judges, sheriffs and lay magistrates – decide who should go to prison. They act independently of government and decide which penalties to impose on the basis of legislation which may lay down minimum sentence lengths for certain crimes; on guidance produced by their judicial colleagues; and on the personal circumstance of the convicted person. Prison is only one of a number of options open to the courts and is generally used for more serious crimes.

**Exhibit 2**

Scotland's average daily prisoner population, 2000/01 to 2006/07, plus projected numbers to 2016/17

Scotland's average daily prisoner population is increasing.



Source: Scottish Government

**Exhibit 3**

Changes among different prisoner categories, 2000/01 to 2006/07

There have been variable increases among different categories of prisoner.

Prisoner category	Average daily population		Percentage change
	2000/01	2006/07	
Males	5,676	6,830	+ 20%
Females	207	353	+ 71%
Adults	5,007	6,176	+23%
Young offenders	875	1,006	+15%
Remand	881	1,567	+ 78%
Sentenced	5,001	5,615	+ 12%
– short-term	2,426	2,731	+13%
– long-term	2,394	2,361	-1%
– recalled	145	519	+258%

Source: Prison Statistics Scotland, 2006/07. Scottish Executive Statistical Bulletin CrJ/2007/7, August 2007

**15.** Prisoners can be separated into various categories (although these are not mutually exclusive), including males and females, adults and young offenders, remand and sentenced prisoners, and prisoners serving different lengths of sentence. The average number of prisoners in all categories, except long-term prisoners, increased in the six years to 2006/07 (Exhibit 3). The largest percentage increases were among:

- remand prisoners (from 881 to 1,567 – a 78 per cent increase)
- female prisoners (from 207 to 353 – a 71 per cent increase)
- people who were returned to prison having breached arrangements such as supervised early release, parole or tagging (from 145 to 519 – a 258 per cent increase).

### A range of factors may explain the rise in prisoner numbers

**16.** The increase in prisoner numbers between 2000/01 and 2006/07 can be attributed to a range of factors, including:

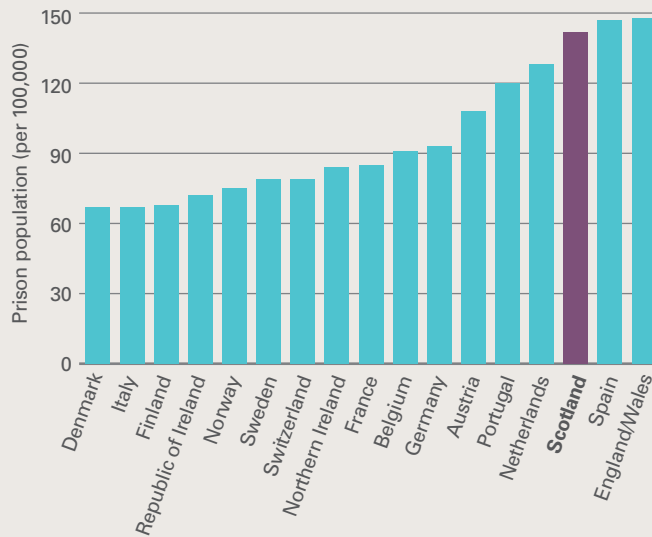
- an increase in the use of remand. In response to abuses of the bail system, there have been a number of recent initiatives in Scotland to tighten the process of granting bail; for example, in 2005 the Scottish Executive published its action plan on bail and remand<sup>7</sup>
- more prisoners being on supervised early release, parole or tagging orders which increases the potential number who may be recalled to prison, and supervision in the community has been improved
- changes in legislation in the last 20 years, such as the introduction of mandatory minimum sentences and the extension of certain maximum sentences, have contributed to sentencers imposing longer prison sentences for certain crimes. Although sentencing patterns have stabilised in the last five years, the previous increase in long-term prisoners has had a continuing effect on the average prisoner population.

**17.** Although the average prisoner population increased by 37 per cent between 1992 and 2006/07, there was no overall increase in the level of crime reported to the Scottish Crime and Victimisation Survey during the same period. Researchers have not established a clear link between crime rates and prisoner numbers.

### Exhibit 4

#### 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

### Scotland has one of the highest imprisonment rates in Western Europe

**18.** Scotland's current imprisonment rate (142 prisoners per 100,000 of the population) is among the highest in Western Europe. This is lower than the equivalent figure for England and Wales (149) but is more than double the imprisonment rate in Denmark, Italy, Finland and the Republic of Ireland (Exhibit 4). Internationally, there is no correlation between crime rates and imprisonment rates, for example, countries such as Sweden have similar or higher crime rates than Scotland but lower imprisonment rates.

### Other countries have used a range of approaches to either accommodate or reduce prisoner numbers

**19.** The prison service in England and Wales has increased the prison capacity in response to rising prisoner numbers. In April 2008, the prisoner

population was around 82,000 – the highest level ever recorded. Between 1997 and 2007, 20,000 prisoner places were created, including nine new prisons, and in December 2007 the UK Secretary of State for Justice announced a programme for building a further 10,500 prisoner places to be delivered by 2014. The programme, which has an estimated capital cost of around £2.3 billion, includes redeveloping existing prison sites, closing outdated prisons and building up to three 'Titan' prisons which will accommodate around 2,500 prisoners each.

**20.** Other countries in Western Europe have used a range of approaches to managing prisoner numbers. These include: ensuring that community sentences are used as direct alternatives to custody; capping prisoner numbers; abolishing short-term sentences; and legislative changes:

- In Sweden, offenders who are sentenced to prison may apply for intensive supervision (electronic tagging) in the community instead. Between 1997 and 1999, around 3,000-4,000 offenders per year who would otherwise have been sent to prison applied for this penalty and around 90 per cent of applications were granted. As a result, each year around 3,000 offenders received direct alternatives to custody.
- In Denmark, prisoner numbers are capped and when the limit is reached prisoners who have been sentenced to six months or less must wait to enter prison.
- Over the last 50 years Finland has introduced a range of approaches to reduce its prison population. These include: reduced sentence lengths for certain offences such as theft and drink driving; the introduction of community sentences as direct alternatives to custody; and extending the parole system. The Finnish reforms were aided by consensus among politicians and support from the media and sentencers. The imprisonment rate in Finland fell from around 200 prisoners per 100,000 of the population in the 1960s to around 60 per 100,000 in the 1990s.

**21.** Scotland also has a range of community sentences which may be used as alternatives to prison. [Part 6](#) of this report describes the increasing use of these sentences in recent years and reviews the evidence on costs, availability and effectiveness.



# Part 2. The extent of overcrowding in Scotland's prisons



A fifth of prisoners share cells designed for one person.



## Key messages

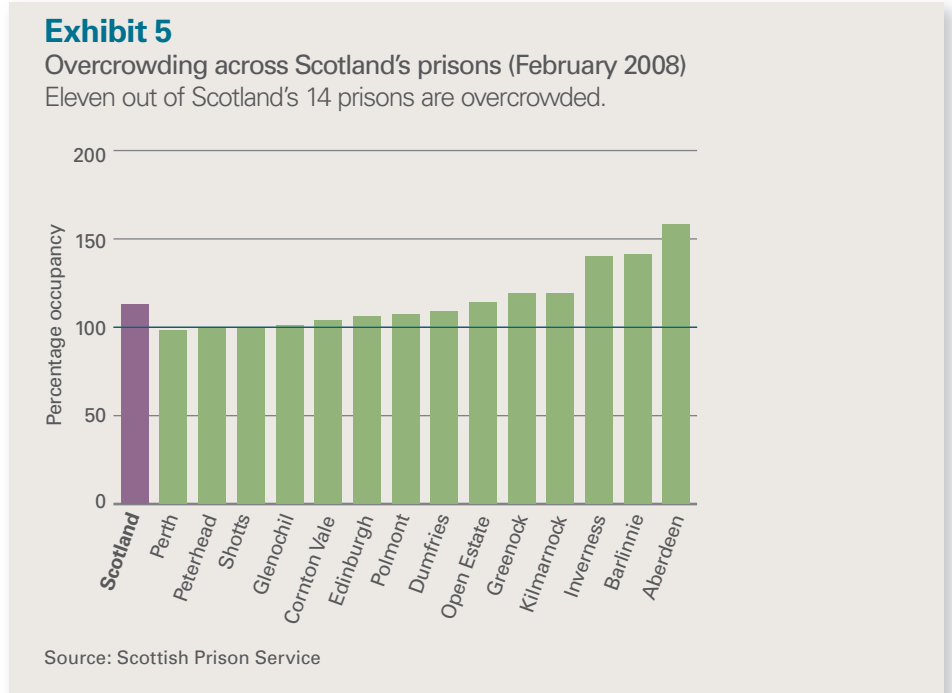
- Most prisons are overcrowded but the extent of overcrowding varies among and within prisons. At 158 per cent occupancy, HMP Aberdeen is the most overcrowded prison in Scotland.
- Nearly half of prisoners share cells and around a fifth share cells designed for one person.
- Scotland's prisons are among the most overcrowded in Western Europe.
- SPS uses short-term strategies to alleviate the effects of overcrowding.

**22.** There is no internationally accepted definition of overcrowding but for the purposes of this report we have defined overcrowding as prison occupancy above design capacity.<sup>8</sup> This part of the report examines the extent of overcrowding among and within Scotland's prisons and assesses the level of cell sharing at each prison. It also reviews short-term strategies for limiting the increase in prisoner numbers and alleviating overcrowding.

### Most prisons are overcrowded but the extent varies among and within prisons

Eleven out of 14 prisons are overcrowded

**23.** In early February 2008, around 7,500 prisoners were in prison which represented an occupancy level of 113 per cent, and 11 out of Scotland's 14 prisons were overcrowded (Exhibit 5).<sup>9</sup> The most overcrowded prisons were Aberdeen (158 per cent occupancy), Barlinnie (141) and Inverness (140). The three prisons which were not overcrowded were Perth, which opened a new 356-place houseblock in November 2007, and



two prisons – Shotts and Peterhead – which house long-term prisoners only.

**24.** Our analysis showed that overcrowding was also highly variable within certain prisons. For example, at the time of our visit to HMP Edinburgh, the hall which held remand prisoners was the only part of the prison which was overcrowded. At the time of our visit to HMP Greenock, the prison was overcrowded as a whole (134 per cent occupancy) but the problem was isolated to one houseblock holding short-term and remand prisoners, which was at 140 per cent occupancy. The other two houseblocks accommodating long-term prisoners were at 100 per cent occupancy.

### Increases in different categories of prisoner has led to overcrowding at specific prisons

**25.** Remand and short-term prisoners are held in local prisons to allow them access to courts, families and local services they require on release. However, as the number of remand and short-term prisoners increases, local prisons are becoming more

overcrowded which puts pressure on the system and requires prisoners to be transferred to other prisons. Increases in female prisoners and male young offenders give rise to similar pressures at Cornton Vale and Polmont, respectively, which provide services tailored to meet these prisoners' needs.

### Around a fifth of prisoners in Scotland share cells designed for one person

SPS uses the number and size of cells to calculate the design capacity of the prison estate

**26.** SPS aims to provide each prisoner with their own cell, unless sharing is required either:<sup>10</sup>

- as part of a prison's anti-suicide strategy
- for temporary overcrowding/doubling up, for example, where accommodation is unavailable following an incident such as fire or vandalism.

<sup>8</sup> *Guidance Note 4: Dealing with prison overcrowding*, International Centre for Prison Studies, King's College London, 2004.

<sup>9</sup> The level of overcrowding among Scotland's prisons varies over time.

<sup>10</sup> *SPS FABS Estate Development Design Manual*, Scottish Prison Service, January 2004.

**27.** SPS calculates the design capacity of its prisons using the number and size of cells. While there is no statutory size for a prison cell, in the SPS estate:

- the minimum area of a standard 'single' cell is seven square metres (excluding the toilet cubicle)
- the minimum area for cell sharing (other than for temporary overcrowding/doubling up) should be 4.5 square metres per prisoner (excluding the toilet cubicle).

**28.** In November 2007, Scotland's prisons had a total of 5,712 cells with a design capacity of 6,624 (Exhibit 6).

#### Around a half of prisoners share cells with other prisoners

**29.** Despite its aim that prisoners should have their own cells, SPS plans for cell sharing in most of its prisons (Exhibit 6). Although the additional capacity provided by double cells and dormitories is intended to deal with temporary seasonal peaks in prisoner numbers, it is currently used on a continuous basis due to the high number of prisoners which prisons have to accommodate. SPS has continued to build in a degree of flexibility in the new permanent houseblocks at the four prisons it is currently developing (Edinburgh, Polmont, Perth and Glenochil) by designing 25 per cent of cells as double cells which can accommodate two prisoners without overcrowding.

**30.** There are a number of prisons where, due to insufficient capacity, prisoners share single cells which are intended to accommodate one person each. Exhibit 7 shows that in February 2008 there was high variability among prisons in the percentage of:

- single prisoners in single cells (55 per cent of all prisoners)
- two prisoners sharing double cells/multiple prisoners sharing dormitories (23 per cent)
- two prisoners sharing single cells (22 per cent).

**31.** Prisoners in only two out of Scotland's 14 prisons do not share cells – Shotts and Peterhead, which

## Exhibit 6

### Design capacity and number of cells at each prison

Scotland's prisons have a design capacity of around 6,600 and a mixture of cell types.

Prison	Number of cells				Total number of cells	Design capacity	Prisoner population (1 Feb 2008)
	Single	Double	3-person dorm	>4-person dorm			
Aberdeen	130	0	0	5 <sup>1</sup>	135	155	245
Barlinnie	964	27	0	0	991	1,018	1,433
Cornton Vale	181	91	4	0	276	375	391
Dumfries	115	4	12	5 <sup>2</sup>	136	179	196
Edinburgh	506	125	0	0	631	756	799
Glenochil	390	140	0	0	530	670	678
Greenock	247	2	1	0	250	254	304
Inverness	76	11	0	1 <sup>3</sup>	88	104	146
Kilmarnock	500	0	0	0	500	500	595
Open Estate	179	123	0	0	302	425	484
Perth	357	181	1	0	539	722	705
Peterhead	306	0	0	0	306	306	305
Polmont	359	132	0	0	491	623	668
Shotts	537	0	0	0	537	537	535
<b>Total</b>	<b>4,847</b>	<b>836</b>	<b>18</b>	<b>11</b>	<b>5,712</b>	<b>6,624</b>	<b>7,484</b>

#### Notes:

1. HMP Aberdeen: five 5-person dormitories.

2. HMP Dumfries: five 4-person dormitories.

3. HMP Inverness: one 6-person dormitory.

Source: Scottish Prison Service



accommodate only long-term prisoners. In general, long-term prisoners are least likely to share cells, but long-term prisoners in other prisons, for example, Cornton Vale and Edinburgh, do share cells. Using the prisoner population in February 2008 and the number and size of cells in each prison, we estimated that in ten out of 14 prisons, prisoners are sharing single cells; and in the three most overcrowded prisons – Aberdeen, Barlinnie and Inverness – more than half of prisoners are sharing cells designed for one person.

**32.** Prison staff assess each prisoner who is required to share a cell in order to minimise the risk of incompatible prisoners sharing cells. Staff consider various issues, including: the type of offence the prisoner was charged with; prisoners' medical, psychological, drugs or alcohol problems; and information on past violent or bullying behaviour.

**Scotland's prisons are among the most overcrowded in Western Europe**

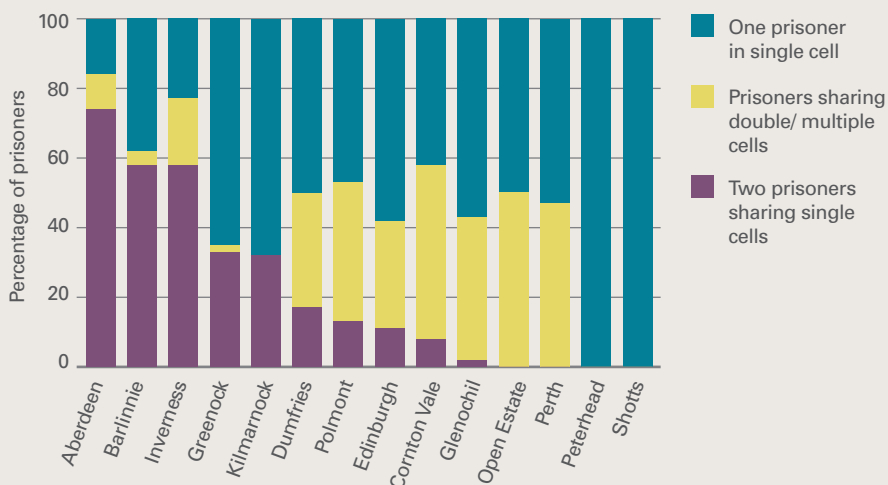
**33.** The level of overcrowding among Scotland's prisons – 113 per cent occupancy – is similar to prisons in England and Wales but higher than most other countries in Western Europe (Exhibit 8). Some countries outwith Western Europe, for example Greece (142 per cent), Pakistan (248 per cent) and Zambia (331 per cent), have significantly higher prison occupancy levels.

**SPS uses short-term strategies to alleviate overcrowding**

**34.** SPS can increase the capacity of its estate to accommodate increasing prisoner numbers but this requires funding from the Scottish Government and it takes time to plan and construct new prisons. As an alternative short-term approach to increase capacity, SPS has adopted two strategies which allow a number of prisoners to serve parts of their sentences in the community:

**Exhibit 7**

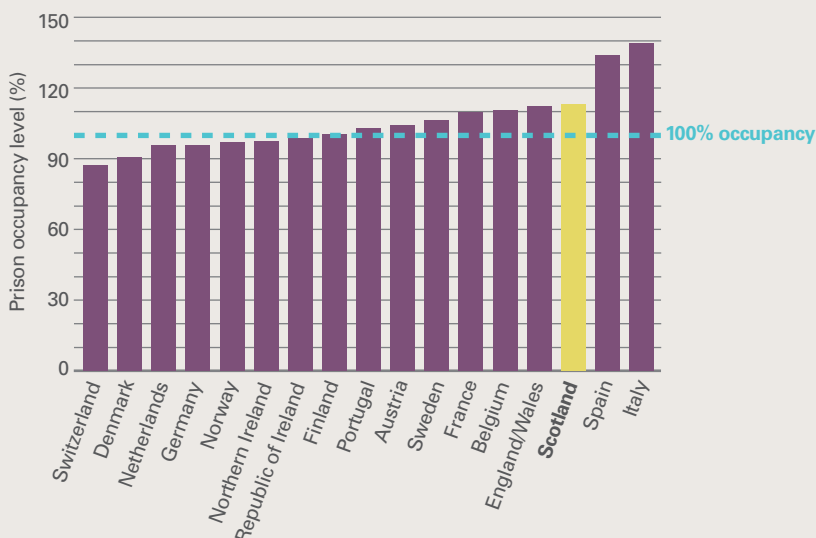
**Extent of cell sharing among Scotland's prisons, February 2008**  
A fifth of prisoners in Scotland share single cells.



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

**Exhibit 8**

**Prison overcrowding levels – Western Europe**  
Scotland has one of the highest prison overcrowding rates in Western Europe.



Note: Dates for individual countries may vary.  
Source: International Centre for Prison Studies, 2008

- Home Detention Curfew (HDC) allows short-term prisoners who have been assessed as presenting a low risk of re-offending to be released to serve the final part of their sentences in the community. Prisoners on HDC may be released between 14 days and six months earlier than they would otherwise have been.<sup>11, 12</sup>
- Extended Home Leave from the Open Estate allows prisoners to spend one week in four at home.

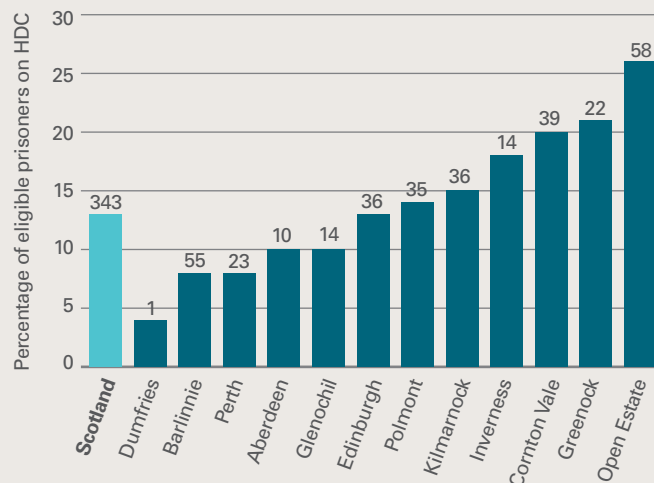
Around 340 prisoners are serving the final part of their sentence in the community

**35.** The Scottish Executive introduced HDC in July 2006 primarily to improve prisoners' reintegration into the community and contribute towards a reduction in re-offending. It also helps to limit the number of prisoners in prison. By March 2008, around 3,200 prisoners had been released early using the scheme. In March 2008, there were around 340 prisoners (13 per cent of short-term, low-risk prisoners) on HDC on any one day. There was wide variation among prisons in the number of eligible prisoners on HDC, for example, Dumfries and Barlinnie had four per cent and seven per cent of eligible prisoners on HDC, respectively, and the Open Estate, where all prisoners have been assessed as low-risk, had 26 per cent (Exhibit 9).

**36.** All decisions regarding which prisoners are released on HDC are taken at a local level. The variation in prisoners released on HDC may reflect different prisons' approaches to the early release of prisoners. SPS monitors the HDC process at all prisons to ensure that the scheme is being operated within the legislative framework and that all prisoners who meet the criteria are considered for HDC.

### Exhibit 9

Percentage of eligible prisoners on Home Detention Curfew, March 2008  
The percentage of eligible prisoners on HDC varies among prisons.



#### Notes:

1. Prisoners held at HMP Peterhead and HMP Shotts are not eligible for HDC.
2. The number of prisoners on HDC is shown above each bar.

Source: Scottish Prison Service

**37.** It is too early to determine whether HDC has been successful in achieving its aim of reintegrating prisoners into the community but by March 2008, 77 per cent of prisoners who had been released on HDC had not been recalled to prison. Less than one per cent of recalled prisoners were sent back to prison after re-offending and only one recalled prisoner had been charged with a serious offence.

Extending home leave has increased the capacity of the Open Estate by around 90 places

**38.** Prisoners at the Open Estate may be eligible to spend one week each month at home to improve their chances of reintegration into the community after they are released. Only prisoners who have been assessed as posing a low security risk are held at the Open Estate and further assessments by councils' social work criminal justice teams are required before prisoners are granted home leave. In 2006/07, home leave was

extended from three to seven days to increase capacity at the Open Estate. This allows the prison to adopt a system of 'continuous cell occupancy' in which four prisoners rotate 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 available places at the Open Estate by around 90.

SPS transfers prisoners between prisons to alleviate acute overcrowding

**39.** SPS attempts to alleviate overcrowding by moving 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). Most of these prisoners were previously transferred to HMP Barlinnie, which

11 Under the provisions of the Criminal Proceedings (Scotland) Act 1993, short-term prisoners are released after serving half their sentence. Long-term prisoners (sentenced to four years or more) are entitled to be considered for parole after half their sentence and to automatic release at the two-thirds point.  
12 Prisoners' compliance with HDC is monitored electronically. The prisoner wears a tag and is restricted to a nominated place (such as his or her home) for a set time each day. If prisoners breach the terms of the curfew, they are returned to prison.

could accommodate additional prisoners even though it was already overcrowded. Prisoners are now more likely to be transferred from Inverness to HMP Perth, which increased its capacity in November 2007.

**40.** Between April 2006 and April 2007, around 200 young offenders were reclassified as adult prisoners and transferred from HMYOI Polmont to other prisons to alleviate overcrowding. Staff at Polmont selected prisoners who were towards the upper age limit for young offenders, who could be moved to adult prisons closer to their homes, and who they considered would be able to cope with conditions in adult prisons.

**41.** In November 2007, around 50 young offenders were moved from HMPYOI Polmont to HMP Greenock to alleviate overcrowding at Polmont. To free up space for these young offenders at Greenock, a similar number of long-term prisoners were moved to a new hall at HMP Perth housing other long-term adult prisoners.

## Recommendations

SPS should:

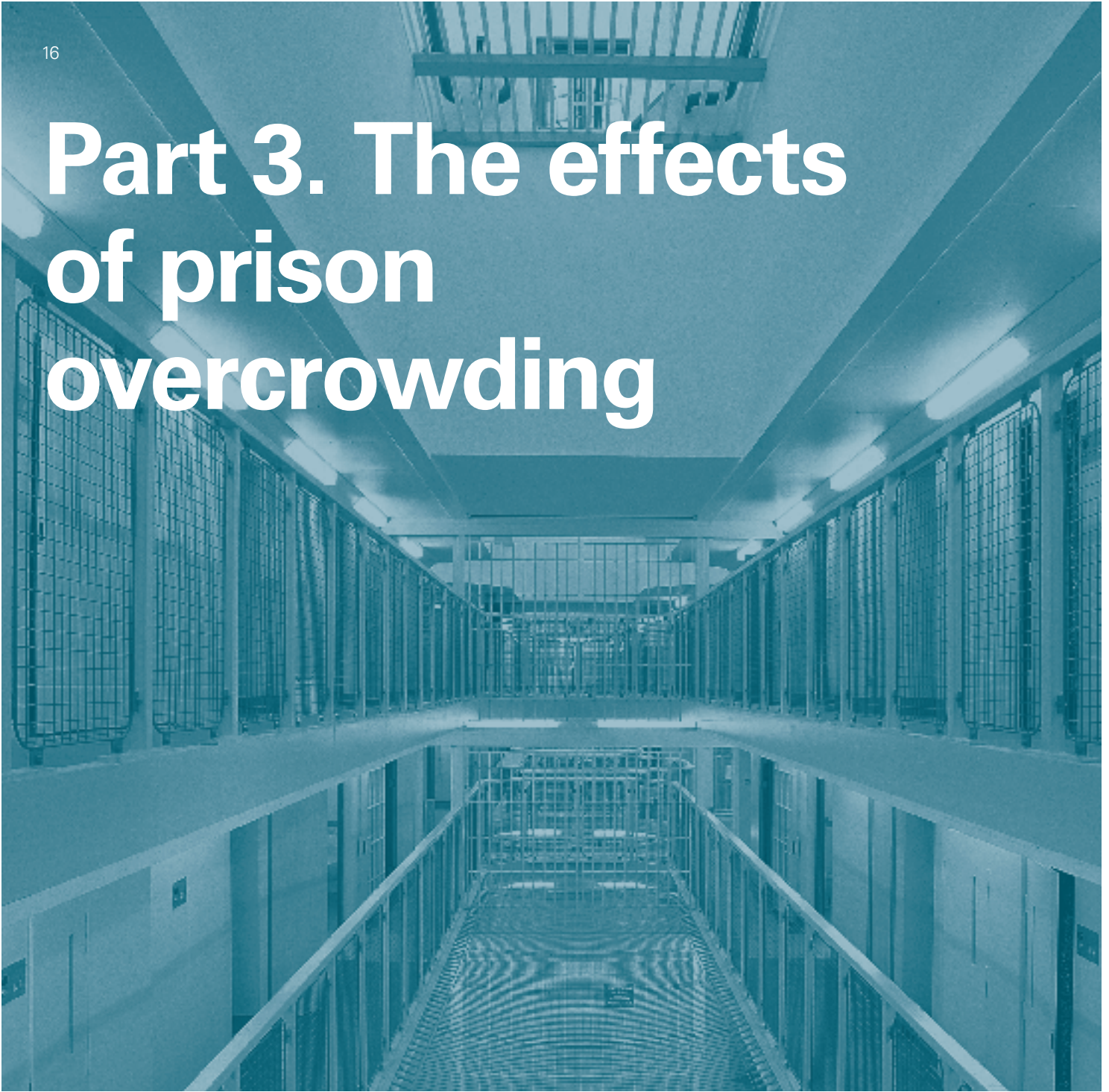
- continue to monitor the number of single and double or multiple cells at each prison to provide a consistent measure of prison capacity
- ensure all prisoners who are required to share cells are appropriately assessed to minimise the negative effects of cell sharing
- assess the potential risks of legal challenges associated with prisoners sharing cells
- review the variation in the use of HDC across prisons to ensure that local decisions provide consistent treatment for all eligible prisoners
- monitor the number of prisoners transferred to other prisons to alleviate overcrowding
- examine the impact of transferring prisoners to other prisons on their access to support and services required for rehabilitation.

The Scottish Government should:

- assess the effectiveness of HDC in achieving its objectives.



# Part 3. The effects of prison overcrowding



Overcrowding limits prisoners' access to rehabilitation activities.

## Key messages

- Prisoners consider cell sharing to be the worst aspect of overcrowding, and mixing with different types of prisoner can lead to tension among prisoners.
- Prisoners may be locked in their cells for long periods due to a lack of access to activities.
- Problems with assessing prisoners' rehabilitation needs may hinder access to activities aimed at reducing re-offending.
- High prisoner numbers can affect prisoners' contact with their families.
- Many prisoners have significant health problems which puts pressure on healthcare resources.
- Remand and short-term prisoners are most affected by overcrowding.

**42.** Her Majesty's Chief Inspector of Prisons for Scotland has described a range of potentially negative effects of overcrowding for prisoners.<sup>13</sup> These include increased cell sharing, restricted access to activities such as work and education, and more time locked in cells. This part of the report summarises the evidence we found during our visits to nine prisons on these and other effects.

### Prisoners consider cell sharing to be the worst effect of overcrowding

**43.** Nearly half of prisoners in Scotland share cells, and around a fifth share cells which are designed to hold one person. From our discussions with prisoner focus groups, having to share a cell with another prisoner was the most negative effect of overcrowding (Exhibit 10).

## Exhibit 10

### Prisoners' views on cell sharing

Prisoners had negative views on cell sharing.

- There is not enough space to eat meals.
- It is unpleasant having to share with someone who has poor hygiene or who is coming off drugs.
- There is a lack of privacy.
- Prisoners may use violence to get sent to a segregation unit for some time alone.
- Having a high turnover of cell mates is unsettling (a prisoner in Barlinnie had 14 cellmates in eight months; a prisoner in Inverness had 28 cellmates in three months).
- Sharing with other categories of prisoner could lead to tension – for example, adult prisoners did not like sharing with young offenders.

Source: Audit Scotland

### Mixing different categories of prisoner can lead to tension

**44.** Prison Rules – which are statutory and apply to all prisons in Scotland – state that wherever possible untried prisoners should be kept apart from other prisoners.<sup>14</sup> However, we found that a lack of accommodation in some prisons (for example, Greenock, Aberdeen, and Inverness) means that untried prisoners may share halls with other types of prisoner. At Aberdeen and Barlinnie, untried prisoners may share cells with sentenced prisoners and in Aberdeen young offenders may share cells with adults when numbers are particularly high. Our interviews with prisoners indicated that sharing halls or cells with other prisoner categories can lead to increased tension among prisoners.

### Prisoners may be locked in their cells for long periods due to a lack of access to activities

**45.** Providing prisoners with work and other activities such as education, vocational training, physical exercise and programmes to address offending behaviour helps to maintain order in

prisons and aims to help prisoners to reintegrate into the community after release. SPS-managed prisons do not record the number of hours which prisoners spend on routine work or on other out-of-cell activities such as recreation.<sup>15</sup> However, SPS does have a key performance indicator (set by Scottish ministers) for the number of 'offender development hours' which prisoners spend on the following activities:

- education
- life skills
- work skills training (including external placements)
- health promotion
- physical education.

**46.** In 2006/07, SPS delivered 2.1 million offender development hours, the equivalent of around 50 minutes per prisoner per day, against a target of 1.5 million hours (around 35 minutes per prisoner per day). However, the average number of hours which prisoners spent on such activities varies widely among prisons (Exhibit 11, overleaf).

<sup>13</sup> *Her Majesty's Chief Inspector for Prisons in Scotland Annual Report 2005/06*, Scottish Executive, 2006.

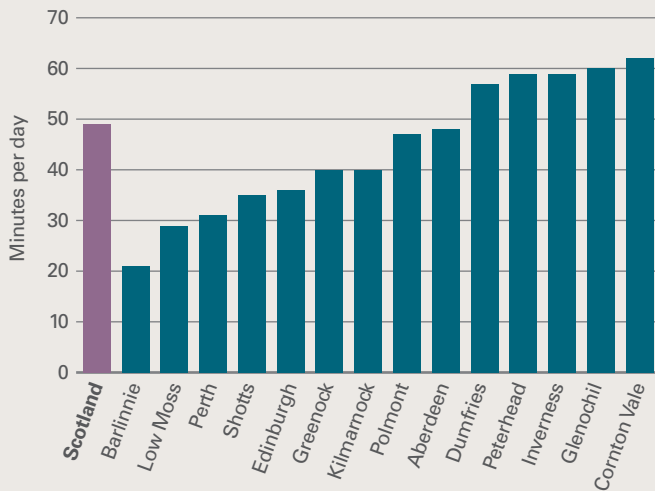
<sup>14</sup> *The Prisons and Young Offenders Institutions (Scotland) Rules 2006*, Scottish Statutory Instrument 2006 No. 94.

<sup>15</sup> Prisoners in HMP Kilmarnock (the only privately-run prison in Scotland) generally spend more time out of their cell than other prisoners in Scotland. Prisoners at Kilmarnock have swipe cards which record where they are at any one time. Under the terms of the prison's contract, prisoners have to be out of their cells for at least 11 hours per day.

## Exhibit 11

### Time spent on offender development by prison

Prisoners spend an average of around 50 minutes per day on 'offender development' activities, but there is wide variation among prisons.



#### Notes:

1. Prisoners may also be involved in other out-of-cell activities such as routine work (where available), visits and recreation. Long-term prisoners may be involved in programmes to address offending behaviour.
2. Does not include the Open Estate which delivered around 200 minutes per prisoner per day.

Source: Scottish Prison Service, 2006/07

**47.** Due to the high number of external work placements, prisoners at the Open Estate spent an average of around 1,200 hours (or three hours 20 minutes per day) on development activities. This was four times higher than the national average. Conversely, prisoners at Barlinnie, which is one of the most overcrowded prisons in Scotland, spent an average of 128 hours (or 20 minutes per day) on development activities during 2006/07. The average for prisoners in Scotland was around 50 minutes per day.

**48.** In 2005, Audit Scotland reported that the availability of prisoner activities varied among prisons.<sup>16</sup> SPS does not hold a central record of the number of work and other activity places for prisoners at each prison but during our visits to prisons we found that the availability of such places continues to vary widely (Exhibit 12).

**49.** In 2004, SPS introduced a system designed to provide prisoners with appropriate activities depending on their length of sentence. Long-term prisoners are given priority access to work places but due to rising prisoner numbers and lack of facilities, there are insufficient work and activity places for all prisoners. Limited access to work and activities has led to many prisoners being locked in their cells for long periods, for example, some prisoners in HMP Aberdeen can be locked in their dormitories for 22 hours a day.

**50.** Many prisoners are not motivated to work or take part in other prison activities. However, our discussions with prisoners indicated that a lack of access to activities – and consequently long periods spent in cells – was frustrating for a lot of prisoners, for example:

- Prisoners may be allocated to work parties but there is not necessarily enough work – for example, a kitchen may employ 12 prisoners but there is only enough work for eight prisoners.
- Lack of physical activity due to restricted access to the gymnasium caused frustration among prisoners.
- Prisoners who are not allocated to work parties receive lower wages which may lead to tension and conflict among prisoners.

### The number of prisoners per prison officer has increased

**51.** Regular contact between prisoners and prison officers is important for maintaining a positive atmosphere in prisons. In the six years to 2006/07, the average number of prison officers in SPS-managed prisons fluctuated – for example, around 200 fewer prison officers were required after the prisoner escort contract was awarded to Reliance. In 2006/07 the average number of prison officers (around 2,500) was similar to the average in 2000/01. Prisoner numbers increased by around a fifth during the same period, therefore there were more prisoners per prison officer in 2006/07, when the ratio was around 2.6:1 than in 2000/01 when it was around 2.1:1.<sup>17</sup>

**52.** The increasing ratio of prisoners per prison officer affects prison officers' capacity to engage prisoners in rehabilitation activities. Some prisons, such as Edinburgh and Polmont, have modern education and employment training facilities and sufficient places to provide the majority of prisoners with work or other activities. However, a lack of available staff and poor scheduling of prisoners' time may result in the facilities being underused and prisoners spending long periods in their cells.

<sup>16</sup> Scottish Prison Service: *Correctional opportunities for prisoners*, Audit Scotland, January 2005.

<sup>17</sup> Figures for privately-managed HMP Kilmarnock were not available.



**Exhibit 12****Prisoner activity places in selected prisons**

The availability of prisoner activity places varies widely among prisons.

Prison (Population Aug 2007)	Work/Activity places
Aberdeen (249 prisoners)	Around 160 work and activity places are available. Prisoners fill around 60-70 per cent of these places in the morning and round 80-100 per cent in the afternoon.
Barlinnie (1,486 prisoners)	<p>There are 228 all-day work places (including vocational training) plus 150 morning places and 150 afternoon places. Therefore, 558 prisoners will be offered work for at least half a day.</p> <p>Only prisoners serving six months to four years are offered places on work parties. There are waiting lists for work parties and prisoners may be released before they are offered a place.</p> <p>Prisoners may only receive one visit to the gymnasium per week. Lack of opportunity for physical exercise caused frustration among prisoners.</p>
Cornton Vale (373 prisoners)	There were around 250 activity places, including work parties, vocational training, education and programmes. The prison did not record the extent to which these places were filled, but a timetabling system was due to be introduced in October to provide a more systematic approach to allocating prisoners to activity places.
Edinburgh (784 prisoners)	A total of 562 activity places were available – 255 work skills training places, 141 other work places and 166 education or throughcare (such as programmes to address offending behaviour).
Greenock (341 prisoners)	<p>There were 127 work party places and a further 30 places on programmes and 30 places on education.</p> <p>Long-term prisoners are given priority for work parties. Short-term prisoners are offered fewer opportunities but may attend vocational training courses if they are in prison long enough to complete the course. Staff found it difficult to engage short-term prisoners in activities.</p> <p>Some work parties may not provide enough work for all prisoners, for example, there may be up to 12 prisoners working in the kitchen but there is only work for eight prisoners.</p>
Inverness (166 prisoners)	There were a total of 45 work party places available.
Kilmarnock (641 prisoners)	<p>There were 528 activity places, including around 240 in the workshops, 117 passmen, 60 in education and 50 in vocational training.</p> <p>Prisoners serving less than 30 days are offered work which does not require extensive training. They are also offered access to recreation, education and physical education. The prison is also required to offer activities, such as development programmes, to remand prisoners.</p>
Open Estate (483 prisoners)	All prisoners at the Open Estate are offered work places. There are 151 work party places at Noranside and 213 at Castle Huntly, plus 120 work placements in the community.
Polmont (669 prisoners)	There are 220 work places for approximately 530 convicted prisoners. As there are not enough work places for all prisoners, there is a timetable system to ensure that all prisoners have the opportunity to work (on average) four half-day sessions per week.



**53.** Although there are fewer prison officers per prisoner, relationships between prisoners and prison officers are generally good. Reports by Her Majesty's Chief Inspector of Prisons for Scotland have commented on the good relationships between prisoners and staff. In the 2005 annual SPS survey of prisoners' views, 93 per cent of prisoners described their relationships with officers as positive.<sup>18</sup> Our interviews with prisoners also found that they were generally satisfied with the level and quality of contact with prison officers.

### Problems with prisoner assessments may hinder access to rehabilitation activities

**54.** SPS assesses the level of risk posed by prisoners, identifies which rehabilitation activities prisoners should attend, and monitors arrangements for releasing prisoners through:

- a national induction programme
- assessing prisoners' requirements for education, addiction treatments and other interventions which may reduce re-offending
- reviewing compliance with parole timescales
- monitoring the percentage of prisoners released with somewhere to live.

**55.** Audit Scotland previously highlighted inconsistencies among prisons in the way prisoners' requirements for rehabilitation activities and pre-release services were assessed.<sup>19</sup> This is still the case. We found that although SPS targets for the percentage of prisoners assessed have largely

been achieved, some prisons have not met all the targets, for example, in 2006/07:

- at HMP Barlinnie, 83 per cent of prisoners with addiction problems received an addictions assessment (against a target of 93 per cent), and 83 per cent of prisoners had their community integration plans reviewed (against a target of 96 per cent)
- at HMP Perth, 86 per cent of parole cases complied with timescales (against a target of 95 per cent) and 78 per cent of prisoners' assessment plans were completed on time (against a target of 95 per cent).

**56.** As a result of assessment for access to rehabilitation activities not being completed, 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 programmes to address their offending behaviour, which could hinder their chances of progressing to the Open Estate. Interviews with prison staff indicate that high prisoner numbers increase the administrative burden on prisons and reduces the amount of time staff can spend supervising prisoners.

### High prisoner numbers can affect prisoners' contact with their families

**57.** Family contact can play an important part in helping prisoners through their sentences, and in reducing the risk of re-offending.<sup>20</sup> Due to differences in facilities and staffing patterns there was wide variation among the prisons we

visited in the frequency and duration of prisoner visits. For example:

- convicted prisoners at HMP Kilmarnock receive up to three 45-minute visits per week
- convicted prisoners at HMP Barlinnie only receive their minimum entitlement of two hours a month over three 40-minute sessions<sup>21</sup>
- the number of visits which convicted prisoners at HMYOI Polmont receive has decreased in the last two years due to higher prisoner numbers. Prisoners who would have received either three, five or seven visits a month (depending on their category) now receive two, three or five visits per month.

**58.** Among the prisons we visited, the standard of the visit facilities varied widely, which may affect the quality of the visits (Exhibit 13). However, some prisons, such as HMP Inverness, make better use of limited facilities by adopting a flexible approach which enables prisoners to receive visits at times which suit their families.

**59.** SPS sometimes moves prisoners to other prisons to alleviate overcrowding at particular prisons but this may be disruptive for prisoners and their families. At HMP Inverness, for example, local prisoners may be transferred to HMP Perth to ease the pressure at Inverness, leaving families to travel long distances to visit prisoners. This causes anxiety among both prisoners and their families.

<sup>18</sup> Each year, SPS carries out a survey of prisoners' views on various aspects of prison. The survey includes questions on atmosphere, food, healthcare services, visit facilities and relationships with staff. The 2006 and 2007 surveys did not include questions on relationships with prison staff.

<sup>19</sup> *Scottish Prison Service: Correctional Opportunities for Prisoners*, Audit Scotland, January 2005.

<sup>20</sup> *Prison Without Bars: Needs, support, and good practice for work with prisoners' families*, N Loucks, Tayside Criminal Justice Partnership and Families Outside, 2004.

<sup>21</sup> Prison Rules state that a convicted prisoner should receive at least one visit lasting at least 30 minutes every seven days, or not less than two hours of visits every 28 days. Untried prisoners should receive a visit of at least 30 minutes every weekday.

**Exhibit 13****Visit facilities in selected Scottish prisons**

Visit facilities vary widely among prisons.

Prison	Visit facilities/prisoners' comments
Aberdeen	The visit hall is small and the tables are very close together. Prisoners complained that the hall is very noisy and that it is difficult to hold a private conversation. There are also no facilities for children.
Barlinnie	There is a lack of capacity for visits due to staff numbers rather than lack of facilities. It is only possible to have one (of two) visit rooms open at any one time. This lack of capacity also makes it difficult to accommodate extended visits for those families traveling long distances.
Cornton Vale	The new houseblock has a visit room to accommodate 100 prisoners. The other visit room was built to cater for 150 prisoners but now has to cater for up to 300 prisoners.
Edinburgh	Visit tables are very close together, which makes it difficult to get privacy.
Greenock	Prisoners complained that visit sessions were shorter than they should be, and that the visit room was not cleaned between visit sessions.
Inverness	Prisoners complained that the visit room was small and it was therefore difficult to get any privacy.
Kilmarnock	The visit hall is large and the tables are well spaced out. There is a play area for children and a canteen.
Open Estate	The privacy of visits were rated highly among prisoners, who also welcomed the ability to walk outside during visits.
Polmont	There were no complaints about the cleanliness of the visit hall. However, prisoners stated that the seating was very uncomfortable and that the room was too noisy.

Source: Audit Scotland

### Many prisoners have significant health problems which puts pressure on healthcare resources

**60.** In December 2007, SPS published a healthcare needs assessment for prisoners in Scotland.<sup>22</sup> The review highlighted a number of areas in which prisoners' health problems were markedly worse than those in the general population:

- Compared with the general population, severe dental decay was three times higher among male prisoners and 14 times higher among female prisoners.
- Over 40 per cent of prisoners are likely to have an alcohol problem, four times higher than the general population.

- Around 80 per cent of prisoners in Scotland smoke compared with around 25 per cent of the general population.
- Two thirds of prisoners tested positive for illegal drug use when they were admitted to prison. Around half of prisoners have a history of drug dependence compared with one in ten of the general population.

### An increasing percentage of prisoners are prescribed methadone to manage their drug addiction problems

**61.** Methadone is used to manage addiction to certain drugs, mainly heroin, and it is SPS' policy to continue prescribing methadone to prisoners who have received it before entering prison.

**62.** Since December 2004, the number of methadone prescriptions dispensed in Scotland's prisons has increased at a faster rate than the prisoner population (*Exhibit 14*). This puts pressure on healthcare staff to deliver the prescriptions and to attend to their other duties.

### Many prisoners have mental health problems

**63.** SPS is planning to collect information on the prevalence of mental illness among prisoners and the provision of mental health services in its prisons. In January 2008, SPS provided some information to the Scottish Parliament Justice Committee which indicated that there may be considerable mental health problems among prisoners in Scotland:

- Seven per cent of prisoners had a history of self-harm (including attempted suicide).
- Prescribing rates for drugs used in the management of depression and psychosis are more than three times higher among prisoners in Scotland than in the general population.

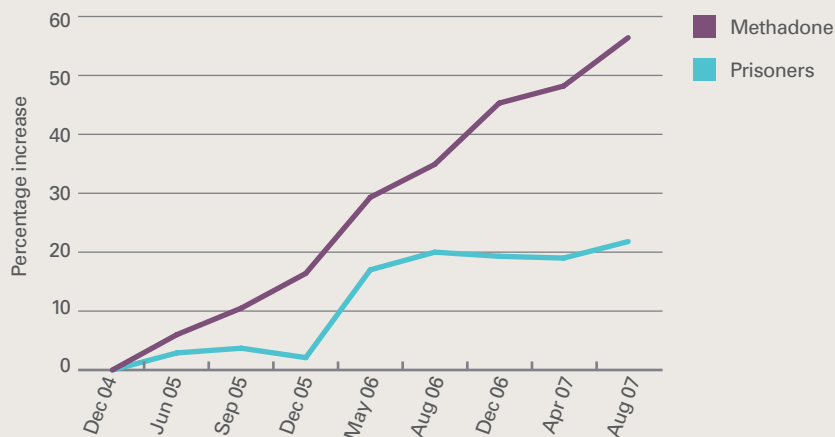
<sup>22</sup> *Prison Health in Scotland: A Health Care Needs Assessment*, Scottish Prison Service, December 2007.

<sup>23</sup> *A shared approach – developing adult mental health services*, Accounts Commission for Scotland, October 1999.

## Exhibit 14

### Methadone prescribing and prisoner numbers since December 2004

Methadone dispensing is increasing at a faster rate than prisoner numbers.



#### Notes:

1. HMP Kilmarnock included from May 2006.
2. HMP Low Moss not included in August 2007.

Source: Scottish Prison Service

**64.** We found varying prevalence of mental health problems among the prisons we visited:

- At HMP Barlinnie, there has been an increase in recent years in prisoners' mental health referrals. The prison has four mental health nurses and their combined caseload varies from around 50 to 200 prisoners at any one time. In 1999, the Accounts Commission reported that the caseload of mental health staff in the community varied widely from less than ten to over 50 people.<sup>23</sup>
- At HMP Cornton Vale, the number of mental health referrals increased from 86 in January 2006 to 101 in August 2007.
- At HMP Greenock, there were around 380 mental health referrals per year.

### Prisons are increasing healthcare resources to meet demand

**65.** SPS aims to provide a comparable level of healthcare in prisons to that in the community, and in April 2007 it introduced over 300 healthcare standards with which prisons are expected to comply. SPS will monitor prisons' performance against these standards.

**66.** We found that some prisons have increased healthcare resources to meet increasing demand by providing additional staff or by increasing the hours which staff work. At HMP Inverness, for example, doctors' hours have doubled from one to two hours per day to treat rising prisoner numbers. As a result, there was no waiting list to see the doctor. However, we found that in some prisons health services are under pressure, which increases waiting times. For example:

- Prisoners at HMP Aberdeen have to wait around five days to see a doctor but this can increase to nine days if there is a high number of admissions.

- The longest waiting times at most prisons were for dental treatment. For example, in November 2007, young offenders at Polmont were waiting four to five months for dental treatment, which was two months longer than a year earlier.

### High prisoner numbers limit prisons' ability to carry out repairs

**67.** We found that prisons which are regularly overcrowded, such as HMP Inverness, have little or no contingency to allow routine maintenance of cells or in the event of a serious incident. As a result of a fire in a houseblock at HMP Cornton Vale in 2007, 30 prisoners had to be accommodated elsewhere in the prison. This increased the extent of cell sharing, including remand prisoners sharing with sentenced prisoners, and young offenders sharing with adult prisoners. From our interviews with prisoners at Cornton Vale, this led to increased tension among prisoners.

**68.** In contrast, HMP Kilmarnock keeps a number of unoccupied 'maintenance' cells which are used when other cells are out of use due to routine maintenance or as a result of vandalism. This contingency allows a degree of flexibility when carrying out repairs.

### Remand and short-term prisoners are most affected by overcrowding

**69.** Overcrowding potentially affects all prisoner types but remand and short-term prisoners are most affected.

**70.** Remand prisoners, who may be held for up to 140 days, are most likely to share cells. They are not required to work, and due to a lack of other activities may spend long periods in their cells, for example, young offenders on remand in Polmont can spend 23 out of 24 hours in their cells.

**71.** Short-term prisoners are more likely to share cells than long-term prisoners. Prisoners serving short sentences may not be offered access to work opportunities if places are limited, for example:

- Prisoners at HMP Barlinnie who are serving less than six months are not offered work places.
- At HMP Greenock, prisoners serving less than 30 days are not offered work places.

### Recommendations

SPS should:

- collect and report information to provide a clearer picture of the availability and delivery of prisoner activities
- assess the potential risk of legal challenges associated with prisoners spending long periods locked in their cells and sharing accommodation with other categories of prisoner
- ensure all prisoners' risks and needs are assessed so that they are offered appropriate opportunities to help their rehabilitation
- ensure all prisons make best use of activity places and visit facilities through appropriate scheduling and spreading best practice among prisons
- monitor the prevalence of ill health (including mental health) among prisoners in order to provide suitable facilities and staffing levels to meet needs.



# Part 4. The cost of accommodating increasing prisoner numbers

The increasing number of prisoners has cost implications for SPS.

## Key messages

- SPS has spent over £7 million on two temporary houseblocks to accommodate increasing prisoner numbers.
- A rising prisoner population has increased SPS' costs for admitting, accommodating and moving prisoners.

**72.** SPS has provided temporary accommodation to house the increasing prisoner population. This part of the report reviews these developments and examines increasing SPS' costs associated with admitting, accommodating and transferring prisoners.

### SPS has spent £7 million on two temporary houseblocks

**73.** As an alternative to new permanent prison accommodation, prisoners can be housed in accommodation with a shorter lifespan. These facilities have a number of advantages in that they can be built relatively cheaply and provide additional prisoner places to modern standards more quickly than permanent houseblocks. However, they also suffer from disadvantages in that they are only expected to last for between ten and 25 years, they are only available to prisoners in low-security categories and they may require higher maintenance.

**74.** In 2005, SPS built two new temporary houseblocks. A 100-place facility was built to accommodate more female prisoners at HMP Cornton Vale and an additional 141 places were made available in a new block at HMP Castle Huntly, part of the SPS Open Estate. The total cost of these facilities was around £7 million. At a unit cost of £29,000 per prisoner place, the construction cost compares favourably with the unit cost of new

permanent accommodation, which SPS estimates to be around £60,000 per prisoner place.

**75.** SPS has no plans to build any more temporary accommodation. It considers that building permanent houseblocks at new or existing prisons offers better value for money in the long term. For temporary houseblocks with an average lifespan of 15 years, the cost per prisoner place per year is around £2,000 compared with around £1,000 in permanent houseblocks which are expected to last at least 60 years. In 2005, the National Audit Office found that temporary accommodation used in prisons in England and Wales offered poor value for money compared with other types of quick-build accommodation because they were expensive to build and were only suitable for low-security prisoners.<sup>24</sup>

**76.** The capacity of the prison estate will reduce when the temporary houseblocks reach the end of their lifespan. This needs to be considered when determining whether there is sufficient overall capacity to accommodate the increase in projected prisoner numbers.

### A rising prisoner population increases costs for admitting, accommodating and transferring prisoners

**77.** SPS does not record spending on individual services. While direct costs such as food and bedding can be identified, details of the cost of basic custody and security arrangements and of providing rehabilitation activities are not readily available.

**78.** We have attempted to identify the additional cost of providing services which are related to the rise in prisoner numbers. These include costs of:

- admitting and releasing prisoners

- accommodating prisoners above contracted places
- transporting prisoners between prisons, and between prisons and courts.

### The cost of admitting and releasing prisoners may have increased by £2.5 million

**79.** The increasing number of prisoners admitted into Scotland's prisons puts pressure on prison staff and has cost implications for SPS. The average number of prisoners increased by around 20 per cent between 2000/01 and 2006/07, but over the same period the number of prisoners admitted to prison each year (not including fine defaulters) rose by almost a half. This is because many prisoners are admitted on remand or on short-term sentences, for example, in 2006/07, 83 per cent of convicted prisoners received sentences of six months or less.

**80.** In January 2008, SPS estimated the administrative cost of admitting and releasing prisoners as:<sup>25</sup>

- £180 for remand prisoners and those serving less than 30 days
- £335 for prisoners sentenced to 30 days or longer. The administration cost associated with these prisoners is higher as all prisoners sentenced to 30 days or longer receive a ten-hour induction programme.

**81.** The cost calculations were limited to a brief exercise carried out by SPS to measure staff time spent admitting and releasing prisoners at one prison (Edinburgh), but they may provide a useful start point for assessing costs across the service. Between 2000/01 and 2006/07, the number of prisoners admitted on remand or were sentenced to less than 30 days increased by 65 per cent to

<sup>24</sup> *National Offender Management Service: Dealing with increased numbers in custody*, National Audit Office, October 2005.

<sup>25</sup> Written evidence received on the budget process 2008-09, Scottish Parliament Justice Committee, 4 January 2008.

around 23,600, and the number of prisoners admitted for over 30 days increased by 22 per cent to around 13,500. Using SPS' estimates, this suggests that the administrative cost of admitting and releasing prisoners may have risen by two-fifths, from £6.3 million in 2000/01 to £8.8 million in 2006/07.<sup>26</sup>

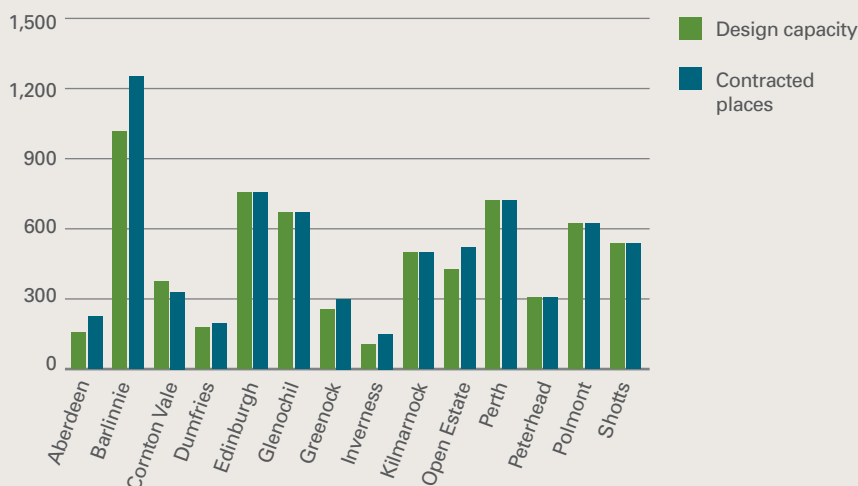
#### SPS paid prisons an additional £1.5 million in 2006/07 to accommodate extra prisoners

**82.** Each year Scotland's 14 prisons are contracted by SPS to provide a specific number of prisoner places.<sup>27</sup> For six prisons, the number of contracted places exceeds the design capacity. For the other eight prisons, including long-term prisons and national prisons such as Cornton Vale and Polmont, the number of contracted places is at or below the design capacity (Exhibit 15). In February 2008, there were 7,085 contracted places across the prison estate, 459 higher than the design capacity (6,626 places). SPS has also designated 676 possible 'additional places' (in excess of contracted places) across six prisons.<sup>28</sup> SPS pays these prisons £10 per day for each prisoner accommodated using these additional places and removes £5 per day for each available place which is not used.<sup>29</sup> These payments are intended to cover the variable costs of accommodating extra prisoners, including food, clothing, medicines and additional payments to staff.

**83.** In 2006/07, SPS provided a total of £1.5 million in additional payments – double that paid in the previous year and three times the amount paid in 2004/05. Three-quarters of the total

### Exhibit 15

Design capacity and contracted places across Scotland's prisons  
Contracted places exceeds design capacity in six prisons.



Source: Scottish Prison Service

additional payments (£1.1 million) were paid to HMP Barlinnie, which regularly took prisoners transferred from HMP Inverness, HMYOI Polmont and HMP Greenock to ease overcrowding at these prisons.

**84.** Some prisons, such as HMP Inverness, which are regularly overcrowded, do not receive additional payments. SPS does not consider that these prisons can provide suitable prisoner accommodation in excess of their contracted places and expects them to move any prisoners above the contracted number to other prisons which have sufficient capacity. However, we found that HMP Inverness regularly holds more than its contracted numbers because it is required to take prisoners directly from court but has to wait for 48 hours to arrange transfers to other prisons.

#### The cost of transferring prisoners has increased by £4 million

**85.** In November 2003, SPS signed a contract with Reliance Secure Task Management Ltd for the provision of court custody and prisoner escort services throughout Scotland. The contract is worth an estimated £126 million over seven years. The rise in prisoner numbers has been accompanied by an increase in the number of prisoner movements to and from police custody, prisons and other destinations. Between 2005/06, the first full year of the Reliance contract, and 2006/07 the total number of prisoner movements increased by around 11 per cent to 185,739, with around 30 per cent (55,099) of these being transfers to prisons.

26 These estimated costs are based on an SPS exercise at one prison and are intended to illustrate increased costs to SPS of admitting increasing prisoner numbers.

27 SPS introduced performance contracts for all publicly-managed prisons in 2004. The contracts include details of the prisons' targets for a number of measures, including escapes, assaults and activity hours and the number of prisoner places to be provided.

28 The six prisons with additional prisoner places in excess of contracted places are: Barlinnie (295 additional places), Cornton Vale (69), Edinburgh (50), Greenock (20), Kilmarnock (192), and Polmont (50).

29 Additional payments to HMP Kilmarnock – which is privately managed – are covered by a separate contract.

**86.** The Reliance contract allows for higher payments if the number of prisoner movements exceeds specified thresholds. In the first two years of the contract the number of prisoner escorts increased beyond the levels expected under the contract, and in January 2007 SPS negotiated a contract change with Reliance to extend the range of higher payments.

**87.** In 2005/06, SPS paid Reliance around £18.7 million to provide prisoner escort services. In 2006/07, this figure had risen by around 19 per cent to £22.2 million.

### Recommendations

SPS should:

- consider the lifespan of temporary houseblocks and how this will affect future capacity
- 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
- review the current system of paying for additional prisoner places to ensure prisoner numbers are managed efficiently and effectively.



# Part 5. Long-term investment in the Scottish prison estate

Investment has improved prison conditions but has not increased capacity.

## Key messages

- SPS uses prisoner projections to plan how many prisoners can be accommodated but projections can vary widely from actual numbers.
- Since 2002, SPS has spent around £280 million to significantly improve prison conditions but the number of prisoner places has remained largely unchanged. However, by the end of 2008, SPS will have made significant progress against its 2002 Estates Review.
- There are plans to further increase capacity and improve the prison estate, but there are no plans to develop some prisons.
- Current plans for increasing the capacity of the prison estate may not be sufficient to accommodate projected prisoner numbers in the next nine years.

**88.** This part of the report looks at how prisoner numbers are projected and how the current estate has developed in the last six years. We also consider whether plans for further developments, including building new prisons, will be sufficient to accommodate projected prisoner numbers over the next nine years.

**89.** Increasing prisoner numbers may be accommodated by building new prisons but these are expensive and can take time to develop. SPS estimates that the capital construction cost of a new 700-place prison is around £100 million and that it may take at least six years to build (including site acquisition, planning permission and procurement).

**90.** There have been major changes to the Scottish prison estate in the last ten years:

- HMP Penninghame and HMP Longriggend closed in 2000, and HMP Low Moss closed in 2007.
- SPS has built new houseblocks and other facilities on existing sites to replace outdated accommodation.
- HMP Kilmarnock, which opened in 1999, was developed by private contractors through a design, construct, manage and finance contract.

### Projections of prisoner numbers may vary significantly from actual numbers

SPS uses projections of prisoner numbers to plan how accommodation will be used

**91.** Every six months the Scottish Government publishes projections of how the prisoner population may change over the next ten years. Projections assess likely numbers of remand prisoners, young offenders and adult prisoners with different sentence lengths, and are based on observed trends in sentencing patterns over the previous ten to 35 years. They assume that observed trends in sentencing patterns will continue, and that the number of prisoners on HDC will remain unchanged. 'High' and 'low' projections are also produced to allow for future variability in the projection factors. Because female prisoners account for only five per cent of the prisoner population, they are not identified separately in the projections.

**92.** Since 1999/2000, projections for up to five years have, on average, been within two per cent of the actual prisoner numbers. However, the accuracy of projections has varied widely from 5.8 per cent below the

actual number of prisoner (375) to 7.1 per cent above the actual number of prisoners (417). These differences between projected and actual numbers equate to a prison of a similar size to Cornton Vale.

**93.** The introduction of Home Detention Curfew has brought prisoner numbers closer to recent projections. In September 2001, the prisoner population was projected to be 7,000 in 2006/07, but although the average population in 2006/07 was 7,183 (around 2.5 per cent higher than projected), another 250 prisoners were on HDC. The total population was therefore 7,433, which is around six per cent more than the projected figure.

**94.** The SPS Population Management Group, which comprises SPS managers and prison governors, is responsible for managing prisoner numbers across the estate. The group uses the projections to plan how new accommodation (such as HMP Addiewell and new houseblocks at existing prisons) will be used, and uses the one-year projections to determine the number of contracted places in each prison.

### SPS is making progress against its 2002 Estates Review

In 2002, SPS estimated that around 900 additional prisoner places would be needed by 2010/11

**95.** In March 2002, SPS published an Estates Review which recognised that: "*Much of the existing accommodation is Victorian and in poor condition.*"<sup>30</sup> At that time the design capacity of Scotland's 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.<sup>31</sup>

**96.** SPS estimated that 3,300 new prisoner places would be required by 2010/11 to increase capacity

<sup>30</sup> *The Scottish Prison Service Estates Review*, Scottish Prison Service, March 2002.

<sup>31</sup> In October 2007, SPS revised its projection for 2010/11 to 8,100 (including 300 prisoners on Home Detention Curfew) – an increase of 900 prisoners compared with the projection in the 2002 Estates Review.

and replace unfit accommodation. Of these new places, 900 were to accommodate the projected increase in prisoner numbers, and 2,400 were to replace unfit or temporary accommodation – 1,900 to end slopping out and 500 to replace the outdated accommodation at HMP Low Moss and elsewhere.

**97.** The Estates Review stated that three new prisons would provide around 2,200 of these new places. However, Scottish ministers approved the building of only two new prisons as they expected that an increased use of community sentences would reduce the projected prisoner population by 700 places.<sup>32</sup>

**98.** The Scottish Executive allocated additional funding to SPS for estate developments in its 2002 and 2004 spending reviews. The additional funding in the 2004 spending review followed the decision by Lord Bonomy in the Napier case and was intended to upgrade prisons to eliminate 'slopping out'. SPS decided to focus its investment on significantly redeveloping four 'development' prisons – Edinburgh, Glenochil, Perth and Polmont – and on upgrading accommodation at other prisons to ensure they were fit for purpose. Plans for similar developments at other prisons were put on hold until further funding became available.

**SPS has provided around 2,700 new places but overall design capacity has increased by less than 200**

**99.** Since 2002, SPS has built accommodation providing around 2,700 prisoner places to replace outdated accommodation at existing prisons. By the end of 2007, the design capacity had increased by 189 to 6,624.

**100.** The number of prisoner places has increased as a result of new houseblocks at HMP Glenochil and HMP Perth, providing 354 and 356 places, respectively. However, these new places were offset by closing outdated accommodation, principally HMP Low Moss and a houseblock at Glenochil which resulted in the loss of 327 and 124 places, respectively. **Exhibit 16** sets out progress against the Estate Review.

**Around £280 million has been invested to improve prison conditions**

**101.** Since 2002, 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 carried out a £16 million refurbishment programme to provide electric power in cells and to end slopping out in all prisons, although prisoners in HMP Peterhead still have chemical toilets in their cells. **Appendix 2** includes details of SPS' estate developments since 2002.

**102.** This investment has significantly improved the condition of the estate. The latest annual report by Her Majesty's Chief Inspector of Prisons for Scotland stated: "*Scottish prisons have been transformed in the last four years. The improvement in living conditions is remarkable.*"<sup>33</sup>

**By the end of 2008, around 800 places will be added to the prison estate**

**103.** A new prison at HMP Addiewell is currently being built and is due to open in late 2008 at a cost of £369 million. The new prison will provide 700 prisoner places and will be privately managed by Kalyx Limited under contract to SPS.<sup>34</sup>

**104.** SPS has planned a number of further developments to its four development prisons, including a new 112-place houseblock at HMP Edinburgh which is due to open in December 2008 at a construction cost of £14 million.

**Projected prisoner numbers to 2010/11 have so far not been accurate**

**105.** Despite SPS being on track to make significant progress against its Estate Review, by the end of 2007 the rise in prisoners was significantly more than originally 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 17, page 32**).

**106.** In November 2007, the Scottish Government revised its projection for 2010/11 to 8,100, including 300 prisoners on Home Detention Curfew. This was an increase of 900 prisoners compared with the projection in the 2002 Estates Review.

**Plans for the prison estate may not be sufficient to accommodate projected prisoner numbers in the long term**

**At least 1,100 additional prisoner places will be needed in the next ten years**

**107.** In November 2007, the Scottish Government projected that the average daily prisoner population would increase to 8,500 in 2016/17.<sup>35</sup> The design capacity of prisons was 6,624 in November 2007, and a further 800 places are expected to be available by the end of 2008 increasing design capacity to around 7,400. This means that around 1,100 new places will be needed to accommodate prisoners over the next ten years.

32 Scottish Parliament Official Report, 5 September 2002.

33 *Her Majesty's Chief Inspector of Prisons for Scotland Annual Report 2006/07*, Scottish Government, November 2007.

34 Source: Scottish Prison Service. Note: £369 million is the Net Present Value over 25 years.

35 *Prison Population Projections Scotland, 2007/2008 to 2016/2017*, Scottish Prison Service Statistical News Release, November 2007.



**Exhibit 16****Progress against findings in the 2002 SPS Estates Review**

Since 2002, SPS has provided 2,700 new places but the design capacity has increased by less than 200.

Action to be taken by 2010/11		Progress as at November 2007		Further planned action			
Action	Expected change in prisoner places	Action taken	Actual change in prisoner places	By end of 2008		By 2010/11	
HMP Low Moss should be closed	-375	HMP Low Moss closed in May 2007	-327				
HMP Peterhead should be closed	-306	None	0	HMP Peterhead (and HMP Aberdeen) will close and be replaced by a new prison in the North East (the size of the prison – due to open in 2012/13 – is not yet known)			
Capacity of HMP Barlinnie should be reduced from around 1,010 to around 530	-480	No change in design capacity	0	No development plan			
Options for building new houseblocks could provide around 1,100 of the required places	+1,100	New houseblocks (providing around 2,700 places) have replaced outdated accommodation and increased capacity	516	New houseblock at HMP Edinburgh (by December 2008)	+112	New houseblock at HMYOI Polmont (by July 2009)	+137
Three new prisons would provide 2,200 places	+2,200	None	0	New prison at HMP Addiewell to open in late 2008	+700	New prison at HMP Bishopbriggs to open in 2011/12	+700
Net change in prisoner places	+900 <sup>1</sup>		+189		+812		+837

Note: 1. At the time of the 2002 Estates Review the design capacity of the prison estate was 6,300, and SPS projected that the prisoner population would increase from 6,200 to 7,200 by 2010/11. Therefore the net increase in required prisoner places was 900.

Source: Scottish Prison Service

There are plans to further increase capacity by over 800 places by 2010/11 but there are no plans to develop a number of prisons

**108.** SPS is planning a number of developments which will further increase the number of places available and improve conditions by 2010/11:

- A new 700-place prison at Bishopbriggs. SPS estimates capital construction costs will be around £100 million and expects to start construction in 2009/10 with a view to opening the prison in 2011/12.<sup>36</sup>

- A 137-place houseblock at HMYOI Polmont, due to open in July 2009 at a construction cost of £178 million.
- A range of other facilities across the four development prisons, including new kitchens, visit rooms, education and training facilities, and staff amenities. The estimated cost of these developments is around £115 million.

**109.** The Scottish Government plans to further develop the prison estate but there are currently no plans to develop a number of prisons. These include:

- three of the most overcrowded prisons – Inverness, Barlinnie and Greenock. All of these prisons are over 100 years old. The 2002 Estates Review stated that the capacity of Barlinnie should be reduced from around 1,010 to around 530 but in February 2008 the capacity had not changed and the prison held around 1,400 prisoners



- HMP Cornton Vale – the national prison for female prisoners. In February 2008, the prison held 391 prisoners against a design capacity of 375, and there were around 40 other prisoners from Cornton Vale on Home Detention Curfew. Female prisoners cannot be moved to other prisons, and the number of female prisoners is projected to increase to around 550 by 2016/17.

#### A further prison will replace outdated accommodation at two prisons in the North East

**110.** In August 2007, the Scottish Government announced that a new prison (HMP Grampian) will be built in the north east of Scotland to replace two current prisons – Aberdeen (155 places) and Peterhead (306 places). The number of places HMP Grampian will provide has yet to be decided but SPS has indicated that a capacity of between 500 and 700 places would meet operational and financial requirements.<sup>37</sup> If the higher capacity is chosen, there will be a net increase of 239 prisoner places.

#### A range of factors indicate that current plans may not be sufficient to meet projected demand for prisoner places

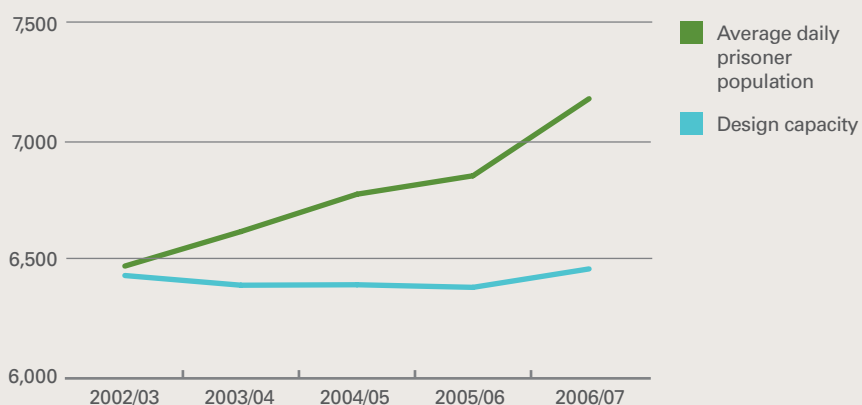
**111.** Current plans will add around 1,900 places to the prison estate by the end of 2013. This may be sufficient to accommodate prisoners in the future if the increase in prisoner numbers matches current projections of 8,500 by 2016/17. However, several factors may lead to a shortfall in prison capacity:

- The two temporary houseblocks at Cornton Vale and the Open Estate may become obsolete between 2015 and 2025. This will reduce capacity by around 240 places.

### Exhibit 17

#### 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

- Older accommodation, such as that at Barlinnie, Greenock and Inverness, may need to be replaced before 2016/17. SPS estimates that around a third of its current design capacity of 6,624 may need to be redeveloped by that date.
- Using the 'high' projection, prisoner numbers may increase to 9,400 in 2016/17. This would result in a shortfall of around 900 places.
- The Custodial Sentences and Weapons (Scotland) Act 2007 was passed in March 2007, and aims to end the current system of automatic unconditional prisoner release and replace it with a new system of combined custodial and community sentences for all prisoners sentenced to 15 days or more.<sup>38</sup> In 2006, SPS and the Scottish Executive jointly estimated that the Act could lead to a further 700 to 1,100 prisoners if it is fully implemented. This

would increase the number of prisoners to around 10,300, which would leave a shortfall of around 1,800 places (Exhibit 18).<sup>39</sup>

### 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.

<sup>37</sup> Scottish Parliament Justice Committee Official Report, 27 November 2007.

<sup>38</sup> Custodial Sentences and Weapons (Scotland) Bill Explanatory Notes, Scottish Parliament, October 2006.

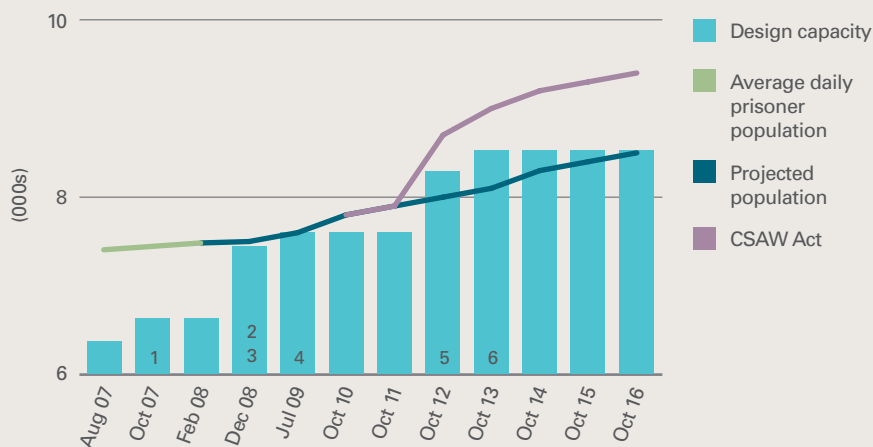
<sup>39</sup> In September 2007, the Scottish Government established an independent Prisons Commission to examine the purpose of prisons in Scotland, including the impact of the early release provisions of the Act on Scotland's courts, prisons and community justice services. The Commission is due to report on its findings in June 2008.

### Exhibit 18

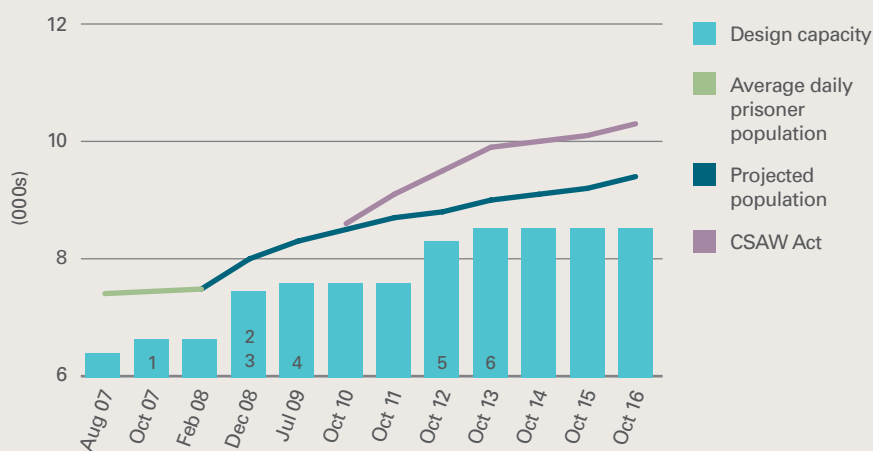
#### Planned increase in prison capacity versus projected increases in prisoner numbers

The accuracy of prisoner projections and the effects of the Custodial Sentences and Weapons Act will determine whether there is sufficient capacity to accommodate all prisoners in 2016/17.

##### Projected increase



##### 'High' projected increase



Notes:

- 1 October 2007: HMP Perth – 356-place houseblock opened.
  - 2 December 2008: HMP Edinburgh – 94-cell houseblock due to open.
  - 3 Late 2008: HMP Addiewell due to open (700 places).
  - 4 July 2009: HMYOI Polmont – 118-cell houseblock due to open.
  - 5 2011/12: HMP Bishopbriggs due to open (700 places).
  - 6 2012/13 (provisional): HMP Grampian (700 places) opens to replace HMP Aberdeen and HMP Peterhead (net increase of 239 places).
- Sources: Scottish Prison Service, Scottish Government

# Part 6. Community sentences in Scotland

The use of community sentences has increased by more than a half.

## Key messages

- The use of community sentences has increased by more than a half since 2000/01.
- Spending on community sentences has increased significantly but costs vary across the country.
- Community sentences may be less costly than prison but their availability varies between council areas and more research on their effectiveness is needed.

**112.** Part 1 of this report described some approaches taken by other countries to limit their prisoner numbers, including the use of community sentences as alternatives to prison. Criminal courts in Scotland may also use a range of penalties other than prison, including fines and a range of community sentences. This part of the report describes the increasing use of these sentences in recent years and reviews the evidence on costs, availability and effectiveness.

### Community sentences in Scotland may be used as alternatives to prison

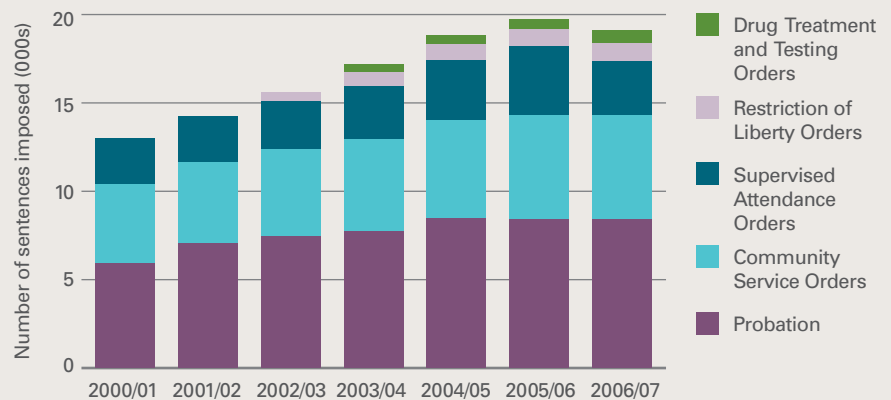
**113.** The five main community sentences in Scotland are:

- Probation Orders – require the offender to work with a Supervising Officer to address their offending behaviour and its underlying causes.
- Community Sentence Orders – require the offender to carry out unpaid work for the benefit of the community.
- Supervised Attendance Orders – established as an alternative to prison for people who default on

## Exhibit 19

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

The use of community sentences is growing.



Note: DTTOs were first piloted in 2000 and were included in national statistics from 2003/04.  
Source: Scottish Government

court-imposed fines or where the court acknowledges that the offender does not have the means to pay a fine.

- Restriction of Liberty Orders – introduced in 1998 as part of a pilot exercise and rolled out nationally in 2002 to restrict offenders to (or from) particular places for specific times. They are monitored by electronic tagging.
- Drug Treatment and Testing Orders (DTTOs) – first piloted in 2000 and rolled out nationally between 2003 and 2006 to encourage people whose offending is a direct result of their drug misuse to address their behaviour through treatment and regular and random testing.

**114.** Community sentences are generally administered by councils' social work criminal justice teams in partnership with other local statutory and voluntary agencies including health, employment and housing services. Local programmes are also delivered by voluntary organisations such as Sacro or Apex Scotland.<sup>40</sup>

Electronic tagging to support Restriction of Liberty Orders is provided and monitored by a private contractor, Serco Ltd. on behalf of the Scottish Government.

### The use of community sentences has increased by more than a half since 2000/01

**115.** In 2002, the (then) Justice Minister predicted that the use of community sentences would increase, and that this would limit the increase in prisoner numbers. Between 2000/01 and 2006/07, the total number of community sentences imposed (either as a main or a secondary penalty) increased by 52 per cent to 19,761 (Exhibit 19).<sup>41, 42</sup> Although the use of all types of community sentence increased, the level of increase varied. The use of electronic tagging nearly doubled while the use of Probation Orders, Supervised Attendance Orders and DTTOs rose by a half and Community Service Orders increased by a third.

**116.** In recent years, there has been a higher increase in the number of

<sup>40</sup> Sacro (Safeguarding communities - reducing offending) aims to promote community safety across Scotland through providing high quality services to reduce conflict and offending. Apex Scotland aims to reduce re-offending by working with offenders to help them address their employability needs and progress them towards employment, education or training.

<sup>41</sup> *Criminal Justice Social Work Statistics 2004/05 and 2006/07*, Scottish Executive 2006 and Scottish Government 2008.

<sup>42</sup> In addition to a main penalty (such as a Probation Order), an offender may receive a concurrent secondary sentence (such as a Restriction of Liberty Order).



community sentences imposed by the courts than in the number of prison sentences. In the five years to 2005/06, the number of community sentences imposed as a main penalty increased by 32 per cent to 16,481. In the same period, the number of prison sentences increased by two per cent to 15,967, fines increased by 12 per cent to 80,871 and other sentences (such as cautions) increased by 18 per cent to 15,123.<sup>43</sup>

**117.** In November 2007, the Scottish Government published an action plan to increase the understanding and use of community sentences by improving their quality, visibility and effectiveness.<sup>44</sup>

### Spending on community sentences has increased significantly but costs vary across the country

**118.** Between 2000/01 and 2005/06, council spending on the main community sentences (with the exception of Restriction of Liberty Orders) rose by 80 per cent, from £19 million to £34 million. This increase was partly due to the continuing increase in activity but also reflected a greater use of relatively expensive DTTOs since they were first piloted in 2000. Between 2003/04 (the first full year of Restriction of Liberty Orders) and 2006/07, payments to the contractor providing electronic tagging services decreased from £4.9 million to £4.1 million. The number of Restriction of Liberty Orders rose by a quarter over this period, but in April 2006 the service provider was changed from Reliance to Serco Ltd. and the new contract included lower prices for providing tagging services.

### Community sentences may be less costly than prison

**119.** Comparing the costs of prison sentences with community sentences is not straightforward. SPS provides all accommodation, health and rehabilitation services for prisoners. For those who receive community sentences, the cost of providing services such as housing and welfare benefits will be spread among a number of agencies and will vary for each individual. 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 were:

- Supervised Attendance Order – £442
- Probation Order – £1,283
- Community Service Order – £2,205
- Restriction of Liberty Order – £9,000
- Drug Treatment and Testing Order – £11,727.<sup>45</sup>

**120.** Before CJAs were established, councils were arranged into 14 criminal justice groupings. In 2005/06, there was wide variation among these groupings in the unit costs of community sentences, for example:

- Probation Orders ranged from £985 in Forth Valley to £2,168 in Renfrewshire and Inverclyde.
- Community Service Orders ranged from £1,565 in Glasgow to £3,215 in Forth Valley.
- Higher costs were found in the island groupings, for example, Probation Orders cost £2,716 in Orkney, and Community Service Orders cost £8,782 in Shetland.

**121.** The variations in the costs of community sentences may be due to a range of factors, including differences in social workers' salaries and caseloads, varying operational practices, and economies of scale associated with differing sizes of social work departments. Funding allocations for the delivery of mainstream community sentences (with the exception of Restriction of Liberty Orders and DTTOs) are determined by a formula which takes account of historical workloads and a range of needs factors. Funding of DTTOs is negotiated directly between the Scottish Government and individual DTTO schemes.

### The availability of community sentences varies among council areas

**122.** The types of community sentence, and the level of service available, may vary across the country. In addition to the five main community sentences, each council in Scotland offers a range of Probation Support Programmes according to local need. These programmes target specific offending behaviour (such as driving offences, drug misuse or sexual offending) and offer support services, such as employment guidance. Although these programmes increase the range of options available to sentencers, they are not available across all council areas, so some offenders may not have access to them.

**123.** The Scottish Government's 2007 report on community sentences emphasised the importance of offenders starting their sentences as soon as possible after conviction, as delays contributed to the view that such sentences were 'a soft option'. However, access to community sentences varies among councils. In 2006/07, the Social Work Inspection Agency (SWIA) found that around a

43 *Criminal Proceedings in Scottish Courts*, Scottish Executive, 2007.

44 *Reforming and Revitalising: Report of the Review of Community Penalties*, Scottish Government, November 2007.

45 Scottish Government, 2008.

third of councils had waiting lists for community service placements.<sup>46</sup> According to SWIA, waiting lists may be associated with staff absence, insufficient resources and the timings of work placements.

### More research on the effectiveness of prison and community sentences is needed

**124.** Sentencers impose penalties which they consider will be most effective. Their decisions balance the risks to society with the needs of the individual. It is important therefore that sentencers have sufficient evidence about the effectiveness of various types of sentence to make an informed decision. There is currently limited evidence on the effectiveness of community sentences and the level of service available may vary across the country.

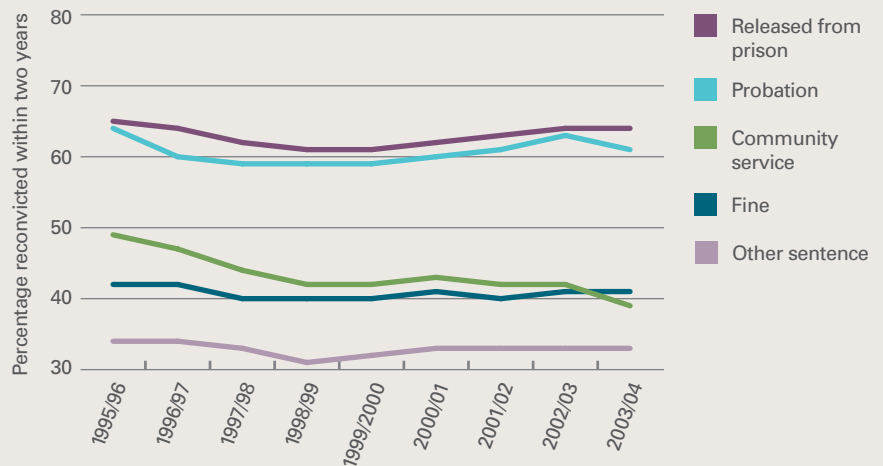
**125.** The Scottish Government has stated that, although caution must be exercised in comparing the effectiveness of prison sentences and community sentences, there is some evidence that community sentences are at least as effective as prison sentences in reducing re-offending.<sup>47</sup> Scottish Government figures show that around 60-65 per cent of offenders are reconvicted within two years of release from prison. There were similar reconviction rates for offenders completing Probation Orders, but reconviction rates following other types of sentence were lower (around 35-45 per cent) (Exhibit 20).

**126.** There is no evidence on the effectiveness of prison and community sentences on other outcomes. In March 2006, the Scottish Executive published a number of 'offender outcomes', which it expected to be achieved through agencies working together (Exhibit 21). Progress against these

### Exhibit 20

#### Reconviction rates within two years of release from prison or community sentences, 1995/96 to 2003/04

Community sentences may be more effective than prison sentences in reducing re-offending.



Source: Scottish Government

### Exhibit 21

#### 'Offender outcomes'

In 2006, the Scottish Executive developed a range of outcomes for offenders:

- Sustained or improved physical and mental well-being.
- The ability to access and sustain suitable accommodation.
- Reduced or stabilised substance misuse.
- Improved literacy skills.
- Employability prospects increased.
- Maintained or improved relationships with families, peers and community.
- The ability to access and sustain community support, including financial advice and education.
- The ability to live independently if they choose.
- Improvements in the attitudes or behaviour which lead to offending and greater acceptance of responsibility in managing their own behaviour and understanding of the impact of their offending on victims and on their own families.

Source: *National Strategy for the Management of Offenders*, Scottish Executive, May 2006

<sup>46</sup> *Criminal justice social work performance inspection programme 2003-2007*, Social Work Inspection Agency, 2007.

<sup>47</sup> *Reconvictions of offenders discharged from custody or given non-custodial sentences in 2003/04*, Scotland. Statistical Bulletin CrJ/2007/9, Scottish Government, October 2007.

outcomes has not been reported, but they may form the basis for a monitoring framework to assess the effectiveness of rehabilitation activities. CJAs are currently developing performance measures for the community sentences delivered by councils in their areas.

**127.** Further research is required to establish the effectiveness of prison and community sentences in reducing re-offending (and on other outcomes) in Scotland. As part of its examination of community sentences in England and Wales, the National Audit Office commissioned a review of the effectiveness of such sentences. The report, published in January 2008, indicated that the quality of research varied substantially across a range of sentences.<sup>48</sup> In terms of effectiveness:

- For two interventions – cognitive/behavioural programming and some types of drug treatment – there was strong evidence that the programmes reduced the likelihood of re-offending.
- For some interventions – such as unpaid work, intensive probation, and education and basic skills training – the evidence of positive impact on reducing re-offending was weak.
- In other interventions – including anger management, probation, and alcohol and mental health treatment – the evidence of positive impact on reducing re-offending was inconclusive.

## Recommendations

The Scottish Government should:

- monitor the availability of community sentences across Community Justice Authorities, and work with CJAs to ensure that appropriate community sentences are available in all CJA areas
- review the unit costs of community sentences across CJA areas to identify scope for efficiency and to spread good practice
- work with CJAs to develop robust performance measures
- establish the relative effectiveness of prison and community sentences on reducing re-offending.

# Appendix 1.

## Membership of the project advisory group

Member	Organisation
Valerie Macniven	Head of Criminal Justice, Scottish Government
Rachel Gwyon	Director of Corporate Services, Scottish Prison Service
Dr David McAllister	HM Assistant Chief Inspector of Prisons for Scotland
Professor Alec Spencer	Department of Applied Social Science, Stirling University Chairman, Scottish Association for the Study of Offending Formerly SPS Director of Rehabilitation and Care
Professor Jackie Tombs	Professor of Criminology and Social Justice, Glasgow Caledonian University
Jackie Donnelly	Executive Head of Social Work, East Ayrshire Council Former Convenor of the Criminal Justice Standing Committee, Association of Directors of Social Work
Baroness Vivien Stern	Senior Research Fellow, International Centre for Prison Studies, King's College London
Yvonne Robson	Ayrshire Criminal Justice Partnership Manager



# Appendix 2.

## Completed and planned SPS estate developments since 2002

### Completed

Prison	Houseblocks	Cost (£ million)	Other development costs (£ million)	Total (£ million)
Aberdeen			0.52	0.52
Barlinnie	Installation of sanitation and electric power in cells (March 2002-February 2005)	14.58	1.32	15.90
Cornton Vale	100-place houseblock (July 2005)	3.53	1.24	4.77
Dumfries			0.76	0.76
Edinburgh	226-cell houseblock (March 2003)	17.04	25.57	68.31
	284-cell houseblock (May 2005)	25.70		
Glenochil	252-cell houseblock (June 2005)	24.60	14.84	64.04
	252-cell houseblock (March 2007)	24.60		
Greenock			1.75	1.75
Inverness			0.27	0.27
Low Moss			0.11	0.11
Open Estate	141-place houseblock (August 2005)	3.44	1.56	5.00
Perth	284-cell houseblock (Oct 2007)	26.10	26.53	52.63
Peterhead	Electric power in cells	0.86	0.07	0.93
Polmont	213-cell houseblock (Feb 2002)	16.11	20.82	62.63
	284-cell houseblock (Jan 2007)	25.70		
Shotts			3.70	3.70
<b>Total</b>		<b>181.26</b>	<b>99.06</b>	<b>281.32</b>

Source: Scottish Prison Service

### Planned

Prison	Houseblocks	Cost (£ million)	Other development costs (£ million)	Total (£ million)
Edinburgh	94-cell houseblock (December 2008)	14.00	24.50	38.50
Glenochil			26.40	26.40
Perth			21.00	21.00
Polmont	118-cell houseblock (July 2009)	17.80	43.20	61.00
<b>Total</b>		<b>31.80</b>	<b>115.10</b>	<b>146.90</b>

Source: Scottish Prison Service

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