

## **Remands**

**A practice conference to explore ways of reducing custodial remands**

**27 April 2005, 10am – 4pm**

**The Howard League Centre for Penal Reform**

### **Speakers' Details**

**YVONNE ROBERTS**  
**JOURNALIST**

#### **Biographical Information**

Yvonne Roberts is an award winning journalist. She has written for all the major newspapers and magazines and worked in current affairs, television and documentaries for fifteen years. At present, she writes on various aspects of social policy mostly for The Guardian and The Observer and has a weekly column in Community Care. Her fourth novel, Shake! is published in paperback in June. An examination of the pressures on modern relationships will be published by Short books in spring 2006. She also lectures in journalism to post-graduate students at the University of the Arts, London and is a member of the ethics committee on a Howard League research project examining the treatment of short term offenders, aged 19 to 21.

**ANITA DOCKLEY**  
**ASSISTANT DIRECTOR, THE HOWARD LEAGUE FOR PENAL REFORM**

#### **Biographical Information**

Anita Dockley is Assistant Director at the Howard League for Penal Reform. She has worked at the charity since 1991. She is responsible for policy development, research as well as helping with media and parliamentary work. Her research interests include women in prison, prisoners' families, suicide and self harm in prison, the conditions of imprisonment and the impact on resettlement prospects.

#### **Synopsis**

##### *Busy Doing Nothing*

“Busy Doing Nothing” makes reference to the fact that successive governments have failed to tackle the continued overuse of custodial remands, but equally it is a reference to the experience of remand prisoners. What are the Howard League for Penal Reform’s concerns about the use of custodial remands? What do people held on remand do and what could they do? This presentation will use statistics and the Howard League for Penal Reform’s research to provide context for the day’s discussion.

**Judge John Samuels QC**  
**Circuit Judge**

**Biographical Information**

Chairman, Criminal Committee, Council of HM Circuit Judges, since January 2002  
Circuit Judge, Blackfriars Crown Court, since March 1997  
QC, 1981; Deputy High Court Judge, 1981-1997  
Bencher, Lincoln's Inn, 1990  
Trustee, Centre for Crime and Justice Studies; and Prisoners' Education Trust

**Synopsis**

*The Inappropriate Remand in Custody*

All agree that custodial sentences on conviction should be reserved for those whose proven activities demonstrate that they are an active danger to others. A significant proportion of those who are remanded in custody pending trial are acquitted. Thus the threshold which ought to be passed to satisfy the remand in custody of an individual who is presumptively innocent of the offence which he denies should be even higher than that which requires his incarceration on conviction.

There is a real psychological pressure not to grant bail when the reasons for doing so are recorded and may be published if the defendant, while on bail, commits further offences. The Bail Act, while enshrining the principle of a presumptive entitlement to bail, formulates exceptions to that entitlement in language which is sufficiently broad to cover a multiplicity of circumstances.

My modest proposal is that those incarcerated as a result of a conviction ultimately proved wrongful should receive compensation. Where the prosecution have demanded a remand in custody, but the outcome is an acquittal, such a person, who will have served the equivalent of a substantial prison sentence, should be entitled to compensation from those who had pressed for that custodial remand.

**JANE FURNISS**  
**DIRECTOR, CRIMINAL JUSTICE PERFORMANCE DIRECTORATE**

**Biographical Information**

Following her degree and Masters, Jane Furniss began her career as a Probation Officer in Bradford, West Yorkshire in 1975. She worked for several years in the service and became Assistant Chief Probation Officer in 1990.

In 1995 she was seconded initially for three years as one of Her Majesty's Inspectorate of Probation, being promoted in 1997 to HM Assistant Chief and in 1999 to HM Deputy Chief Inspector.

During her time in HMIP she was responsible for ensuring that probation staff's work with offenders was based on what research indicates is likely to help them stop

offending. To assist probation officers and managers she commissioned and edited a major publication – the Effective Practice Guide which was distributed to more than 20,000 people.

During late 2000 and early 2001 she was seconded out of HMIP to work with Ministers, Home Office officials and the police officials and the police to head up a police reform programme.

In September 2001 she took over as Head of the Justice and Victims Unit in the Home office, where she lead the development of the government's national strategy to improve services for victims and witnesses.

In October 2002 Jane was promoted to the post of Director of Criminal Justice Performance responsible for supporting the National Criminal Justice Board and the 42 Local Boards to deliver the Government's programme of reform for the Criminal Justice System. In July 2004 the Office for Criminal Justice Reform was launched as a formal body responsible to the Home Secretary, Attorney General and Lord Chancellor for delivering on the government's strategy for the CJS. Within this Jane is responsible for the PSA target to bring more offences to justice, which requires the combined efforts of all CJS agencies to ensure that more of the crimes committed result in the perpetrator being caught and punished.

## **Synopsis**

The Office for Criminal Justice Reform (OCJR) is the cross-departmental team that supports all criminal justice agencies in working together to provide an improved service to the public. OCJR reports to Ministers and the Home Office, Department for Constitutional Affairs and the Office of the attorney General.

Ochre's goal is to deliver the National Criminal Justice Board's vision of what the criminal justice system will look like in 2008 (see the handout in participants' packs). To achieve this there is a comprehensive and wide ranging programme of work currently under way right across the criminal justice system – including work to improve bail processes from start to finish.

This programme aims to:

- Provide viable alternatives to prosecutions and therefore divert offenders from the courts where appropriate;
- Provide new options for bail management including electronic tagging;
- Reduce the numbers of defendants that abscond, offend or breach conditions whilst on bail;
- Deal more effectively with those who do not attend their court hearings.

The effectiveness of such improvements should encourage the court to choose the bail option for appropriate cases and so reduce the numbers of defendants remanded into custody.

**JOHN POD MORE  
GOVERNOR, HMP BRIXTON**

## **Biographical Information**

John Podmore joined the Prison Service in 1985 as an Assistant Governor at HMP Maidstone after working for 8 years as a secondary school teacher. In 1990 he transferred briefly to HMP Lewes before being promoted to Governor 4, at what was then, the Area Office for Wessex. In 1994, he was promoted and transferred as Deputy Governor to Belmarsh where he was subsequently temporarily promoted to Governing Governor. In 1998 he was transferred to HMP Swaleside as Governor and left there in 2001 to become a team leader in Her Majesty's Inspectorate of Prisons under HMCIP, Sir David Ramsbotham. In February of 2003 he ended his secondment with HMCIP and took over as Governor of Brixton.

John is also a non-executive director of COCA (Conference on Crack and Cocaine), as well as a member of the Lambeth Assembly and the Lambeth Crime and Disorder Reduction Partnership. He is also on the London Steering Group of Business Action on Homelessness.

He has written for the British Journal of Forensic Practice, the Journal of Forensic Psychiatry and the European Network on Drugs and Infections Prevention in Prison.

## **Synopsis**

### *An Absence of Alternatives*

The Social Exclusion Unit Report (SEU) on reducing re-offending by ex-prisoners remains one of the most important documents to inform the criminal justice system in recent years. Whilst it does not seek to excuse crime, it aptly characterises the chaos and disorder in the lives of difficult and damaged people who keep returning to prison.

When determining whether to grant bail the courts will, want assurances that individuals will conform with conditions, will not offend or interfere with witnesses and will eventually surrender to that bail. But when the Office of National Statistics describes 90% of the prison population as having substance misuse and/or mental health problems, it is no surprise that the number of people giving the courts these assurances is not increasing.

Prisons should provide services but they should not be places where people are sent because it is the only place where the services can be accessed and reliably delivered. Prisons should provide for the criminological needs of the criminal justice system, not for the sociological needs of the wider community. Informed debate on bail schemes, hostels, supported accommodation generally, and electronic monitoring is timely and the need for and access to services should be integral to that debate.

**JULIET LYON**  
**DIRECTOR, PRISON REFORM TRUST**

## **Biographical Information**

Juliet Lyon is the director of the Prison Reform Trust (PRT). PRT aims to create a just, humane and effective penal system. It provides information, conducts research and works as the secretariat to the All Party Penal Affairs Group.

Previously Juliet was associate director of the Trust for the Study of Adolescence. She has worked in mental health and in education as head of a psychiatric unit school. Her publications are mostly about young people on the margins of society. They include Home Office Research Study 201 "Tell Them So They Listen: Messages from Young People in Custody". She is a professional advisor to ChildLine.

Juliet worked as a member of the advisory group to John Halliday's Review of the Sentencing Framework and the Social Exclusion Unit's study of re-offending by ex-offenders and currently contributes to the Ministerial Roundtable on Prison Suicides.

## Synopsis

### *Innocent until proven guilty*

Email received by PRT's advice and information service:

*I am very sad to hear the tragic news of one of my good friends death who died in \*\*\*\*\* prison on saturday. \*\*\*\*\*(like myself) had a history of drug abuse problems. I've known a lot of my friends who get out of prison say there is no support for their addictions when they get 'locked up'. It takes them days/weeks to see a doctor which I feel is wrong. And when they do get to see a doctor they get told arrogant words like 'It's your problem chuck it'.*

*What i find hard to take is that he was on remand for minor shoplifting charges, He was a very nice person who had personal problems. He worked hard for most of his adult life until he lost his job a couple of years ago with his dependancy problems hence getting in debt from a mortgage and having move to Yeovil to be with his parents.*

*Would'nt it be better to have urgent support for people like him who get remanded?*

*Why are they locking people up for petty crime?*

In this presentation Juliet Lyon would like to explore ways in which we could call a halt to any needless use of custodial remand as well as improving treatment and conditions for those who do have to be detained in this way. She will draw on work done by the Prison Reform Trust on their campaign [www.innocentuntilprovenquilty.com](http://www.innocentuntilprovenquilty.com) and their applied research on women on remand. She will refer to contact with staff, families and prisoners on remand as well as drawing delegates' attention to some of the statistics produced below:

### Remand Prisoners

1. *At the end of February 2005 there were 12,532 remand prisoners in England and Wales – around one in six of the overall prison population. The remand population is made up of 7,723 people awaiting trial and 4,809 people convicted but unsentenced. Over the past year the remand population has fallen by five per cent.*<sup>[1]</sup>

2. *In 2003, 58,700 unconvicted people were remanded into custody awaiting trial. In the same year 53,250 people were remanded into prison convicted but awaiting sentence.*<sup>[2]</sup>

Recent figures show that the number of people remanded into custody is falling. The number remanded awaiting trial in the final quarter of 2004 was ten per cent lower than the same period in 2003.<sup>[3]</sup>

3. *At the end of February 2005 there were 912 women on remand, around one in five (21 per cent) of the female prison population.* The women's remand population has fallen by just over 100 in the past year.<sup>[4]</sup>

4. *Women on remand have been one of the fastest growing groups among the prison population.* There was a 196 per cent increase in the number of women remanded into custody between 1992 and 2002 compared to a 52 per cent increase for men.<sup>[5]</sup>

5. *In 2002 the average age of a remand prisoner was 29.* More than one in five were under 21. Around five per cent were between 15 and 17 years old.<sup>[6]</sup>

6. *Eight out of ten people received into prison on remand awaiting trial are accused of non-violent offences.* In 2003 one in five (20 per cent) were remanded into custody for theft and handling of stolen goods.<sup>[7]</sup>

7. *One in five (22 per cent) of all those held on remand in 2003 was acquitted.*<sup>[8]</sup> The vast majority received no compensation for this period of incarceration.

8. *Half of all remand prisoners go on to receive a non-custodial sentence.* Of male prisoners held on remand in 2002, 50 per cent received a non-custodial sentence; of female remand prisoners, 59 per cent received a non-custodial sentence.<sup>[9]</sup>

9. In 2004 there were 32 people held in prison awaiting trial who took their lives - more than a third of all prison suicides that year. Overall more than half of all suicides were committed by prisoners on remand.<sup>[10]</sup>

10. *Many remand prisoners harm themselves whilst in custody.* In 2003 remand prisoners accounted for a third of all self-harm incidents in prison.<sup>[11]</sup>

11. *According to research by the Office for National Statistics, more than a quarter of male remand prisoners have attempted suicide at some stage in their life. For women remand prisoners the figure is even higher.* More than forty per cent has attempted suicide before entering prison.<sup>[12]</sup>

12. *In 2002 the average time on remand awaiting trial for male prisoners was 49 days and for women was 37 days.*<sup>[13]</sup> According to the Home Office on 30th June 2003, around 500 prisoners had been on remand awaiting trial for between six months and a year and around 100 prisoners had been on remand awaiting trial for over a year.<sup>[14]</sup>

13. *A significant proportion of those held on remand have been in prison previously.* A study carried out in 2000 found that 65 per cent of respondents had been remanded into custody before.<sup>[15]</sup>

14. *According to the Office for National Statistics, nearly three-quarters of male remand prisoners and nearly half of female remand prisoners have used at least one drug in the year before coming to prison.* Nearly a third of men used heroin in that year and more

than forty per cent of women. Overall these figures are much higher than for sentenced prisoners.<sup>[16]</sup>

15. *Remand prisoners suffer from a range of mental health problems.* According to the Office for National Statistics more than three-quarters of male remand prisoners suffer from a personality disorder. One in ten has a functional psychosis and more than half experience depression. For female remand prisoners, nearly two-thirds suffer from depression. Once again these figures are higher than for sentenced prisoners. Research has found that nine per cent of remand prisoners require immediate transfer to the NHS.<sup>[17]</sup>

16. *Remand prisoners are more likely than sentenced prisoners to have a history of living in unstable or unsuitable accommodation.* Research by the National Association for the Care and Resettlement of Offenders (Nacro) has suggested they are five times more likely to have lived in a hostel prior to imprisonment.<sup>[18]</sup>

17. *More than two in three of all prisoners are unemployed when they go to jail. But research by Nacro has found that remand prisoners are less likely than sentenced prisoners to have had a job before prison.* The minority of remand prisoners who do have jobs are very likely to lose them whilst in prison.<sup>[19]</sup>

18. *Even though remand prisoners are held closer to home, they are more likely to lose contact with their family.* According to the government's Social Exclusion Unit 48 per cent say they have lost contact with their families since entering prison.<sup>[20]</sup>

19. *Research by the Prison Reform Trust has found that prisons are failing to equip remand prisoners to prepare for trial.* The study found that only 48 per cent of prison libraries in jails holding remand prisoners stock the standard legal texts that under Prison Service regulations they must provide.<sup>[21]</sup>

---

<sup>[1]</sup> *ibid*

<sup>[2]</sup> Home Office (2004) *Offender Management Caseload Statistics, 2003* London: Home Office. The total number of people remanded into custody in a year cannot be calculated by adding together the two figures because there is double counting. A person may first enter the remand population awaiting trial. If subsequently convicted and then returned to custody to await sentence they will be counted in that category also.

<sup>[3]</sup> Home Office (2004) *Population in Custody, Quarterly Brief October to December 2004*, London: Home Office.

<sup>[4]</sup> Home Office (2004) *Population in Custody, February 2005*, London: Home Office.

<sup>[5]</sup> Edgar, K (2004) *Lacking Conviction: the rise of the women's remand population*, London: Prison Reform Trust.

<sup>[6]</sup> Home Office (2003) *Prison Statistics England and Wales 2002*, London: Stationery Office.

<sup>[7]</sup> Home Office (2004) *Population in Custody, Quarterly Brief January to March*

<sup>[8]</sup> Hansard, House of Commons written answers, 10 January 2005 : Column 340W

<sup>[9]</sup> Home Office (2003) *Prison Statistics England and Wales 2002*, London: Stationery Office.

<sup>[10]</sup> Figures supplied to PRT by Prison Service Safer Custody Group.

<sup>[11]</sup> Personal communication with Prison Service Safer Custody unit.

- [12] Singleton, N et al (1998) *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office for National Statistics.
- [13] Home Office (2003) *Prison Statistics England and Wales 2002*, London: Stationery Office.
- [14] Hansard, House of Commons written answers, 10 January 2005 : Column 340W
- [15] Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit
- [16] Singleton, N et al (1998) *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office for National Statistics.
- [17] *ibid*
- [18] Nacro (2000) *Prisoner Resettlement Surveys*, Unpublished.
- [19] *ibid*
- [20] Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit.
- [21] Ruthven, D and Seward, E (2002), *Restricted Access: Legal Information for Remand Prisoners*, London: Prison Reform Trust.