

LABOUR'S PLAN TO LET CRIMINALS AVOID PRISON

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INTRODUCTION

Some people no longer feel as safe as they should. That's why it is a priority for the Conservative Party to make our streets safer.

We have started recruiting 20,000 new police officers – supported by the powers and equipment they need to help keep us safe.

However, this alone is not enough. That's why we are also strengthening sentencing, including with a new Sentencing Bill, sending a clear message that we are listening to the British people and coming after criminals.

This analysis shows that Labour simply don't share our desire to ensure that criminals get the punishment they deserve.

Quite simply, Jeremy Corbyn, Diane Abbott, Richard Burgon and the rest of Labour are soft on crime.

EXECUTIVE SUMMARY

Labour have made it clear – they want fewer prison sentences handed down to convicted criminals.

Analysis of their policies shows that under Labour:

- **Almost 40,000 fewer criminals would have gone to prison last year.**
- **1,200 fewer criminals convicted of carrying a knife would have gone to prison last year.**
- **More than 8 in 10 convicted thieves would avoid prison.**
- **More than 9 in 10 would-be burglars would avoid prison.**
- **Prison sentences for possession of the most dangerous drugs would be all but abolished.**

And Labour's determination to be soft on crime won't stop there.

Their top team have repeatedly spoken out against tough prison sentences, perhaps best summed up when Corbyn told the House of Commons that he was against 'a tough sentencing policy'.

And Corbyn has used his position over the years to personally work to try and secure softer sentences for criminals.

With this approach to crime it is unlikely that they would end at the abolition of short sentences if they get into power. Even the most serious criminals could see more lenient punishments under a Corbyn-led government.

FEWER PRISON SENTENCES

Labour's position

It is clear that an incoming Labour government led by Jeremy Corbyn would seek to scrap short prison sentences.

At their 2019 Party Conference a Labour press release explained that Shadow Justice Secretary, Richard Burdon would 'commit Labour to legislating for a presumption against ineffective custodial sentences of less than six months'.¹

Richard Burdon then went on to confirm: 'the next Labour government will legislate for a presumption to end ineffective super-short sentences of six months or less'.²

This commitment was repeated in Labour's 2019 General Election Manifesto which also noted there may be exceptions to this for violent and sexual offences.³

The use of short sentences

39,963 criminals were sent to prison on sentences of less than six months in 2018. This represents around half of all (78,444) custodial sentences in that period.⁴

And short sentences are often used as the next step up when community sentences have previously not prevented re-offending. 45 per cent of adults given custodial sentences of six months or less have been previously sentenced with all three types of key disposals. The three types of disposal are: community orders, Suspended Sentence Orders and Custodial Sentences.⁵

Such sentences are used for offences which in the minds of the general public the custody threshold is easily met – in other words where it is clear the crime deserves a prison sentence. Some of the most common uses include offenders convicted of theft, possession of a weapon and public order offences.⁶

Short sentences are also the only real custodial option for cases in the Magistrates Court, ensuring that offenders know there is the threat of a custodial sentence where necessary.

Who could avoid prison under Labour's plans?

By scrapping short sentences thousands of criminals whom the general public would regard as deserving a prison sentence would no longer face jail.

For example, analysis by Civitas found that almost 90 per cent of sentences of less than six months were given to those convicted of indictable offences. That means offences which are serious enough to be tried in a Crown Court.⁷

To show how inequitable such a move would be, here are four case studies of types of offences which would see the punishments change significantly if sentences of under six months were scrapped.

This does not take into account the effect of the signal that scrapping short sentences would have on the level or severity of crime committed and assumes a static level. This is obviously contestable but in the interests of being fair to Labour we will ignore any behavioural response to the signal sent by their policies.

1. Knife crime

Labour's plans mean 1,200 fewer criminals convicted of carrying a knife would have gone to prison last year.

Possession of an article with a blade or point is the most basic of charges for those caught carrying a knife. In 2018 there were 8,382 convictions for this offence with 1,286 offenders receiving prison sentences of under six months and 1,793 receiving sentences of six months or more.

Analysis reveals that at present 79 per cent of those of those sentenced for carrying a knife receive sentences of six months or less – meaning under Labour, around 8 in 10 of those convicted for carrying a knife would avoid prison. In 2018 that would translate to 6,500 knife carriers remaining on the streets, including over 1,200 who would currently face time behind bars.⁸

Taken over a longer time period the increase in risk that such a policy offers becomes starkly clear. More than 13,000 sentences of six months or less have been handed out to those guilty of carrying knives over the last decade.⁹

2. Theft

Under Labour more than 8 in 10 convicted thieves would avoid prison.

Theft from the person of another covers a range of criminal behaviour such as purse-snatching and pickpocketing. In 2018 more criminals convicted of this offence received a prison sentence of under six months than six months or over.

At present around 6 in 10 of those convicted are receive a non-custodial sentence. Under Labour's policy this would rise to around 8 in 10 with almost 500 fewer thieves facing prison last year.¹⁰

3. Going Equipped for Theft

Under Labour more than 9 in 10 would-be burglars would avoid prison.

Going equipped is the charge brought where someone is caught with an item which they intend to use to commit a theft of burglary. For example, it could be an offender apprehended with a crowbar and bolt cutters on their way to commit a burglary.

In 2018 there were 913 convictions for going equipped of which almost 35 per cent saw a prison sentence. Under Labour this would fall to just over 5 per cent. Meaning more than 9 in 10 convicted would-be burglars avoiding prison.¹²

4. Drugs

Under Labour prison sentences for possession of the most dangerous drugs would be all but abolished.

Drug offences often have a much wider impact and fuel other crimes. Whilst sentences for drug dealing are substantial, the vast majority of drug related offences are already dealt with by non-custodial sentences. However, it is worth noting that possession offences are often used for suspected drug dealers where evidence for more substantive changes cannot be confirmed, as well as those suspected of the straightforward offence itself.

Analysis has found that there is already a limited number of prison sentences given for possession of even class A drugs. Out of 7,525 convictions in 2018 only 487 resulted in a custodial sentence. However, under Labour's plans this would fall, for possession of even the most dangerous drugs, by almost 80 per cent to just 65. This would all but abolish prison as an option for possession of class A drugs.¹¹

What about assault?

If Labour extended their policy, then thousands of thugs could avoid a prison sentence.

Labour claim that their ban on short sentences may not apply for violent crimes. However, they have offered no detail on how they would define this, and there is a serious risk that their policy would be extended meaning thugs who commit assaults could go free.

In 2018, 5,283 convictions for common assault and battery resulted in a prison sentence of under six months and just 216 of six months or over. If Labour did extend their policy on short sentences to violent offences at the lower end of the scale, then they could effectively remove prison as an option for offences like assault.¹³

Given the uncertainty as to Labour's position this analysis will no expand on this.

Professionals acknowledge the role of short sentences

Opponents of short sentences often claim that those involved in the criminal justice system oppose their use. However, this is simply not the case.

For example, the most senior criminal judge in the country argued that previous attempts to remove sentences of six months or less was ineffective. In particular he has highlighted their value for repeat offenders. He said: 'The multiple shoplifter who shoplifts again and again and again, who is given every single non-custodial option going but continues, often to feed a drug habit... there must be a time when the courts say enough is enough'.¹⁴

At the other end of the spectrum a central London magistrate has expressed concerns that by scrapping short sentences offenders will have an effective get-out-of-jail-free card in the magistrates' courts. They said 'This policy will effectively give even serious offenders a get-out-of-jail-free card. They all know that the maximum that magistrates can give is six months. So as long as they plead guilty at the last minute, even the minimum 10 per cent discount will always mean a non-custodial sentence'.¹⁵

SOFTER SENTENCES FOR SERIOUS OFFENDERS

On top of Labour's clear policy on the abolition of short sentences, there is also legitimate concern that they would extend this thinking to even more serious offenders.

Corbyn and his top team want soft justice

Jeremy Corbyn has a long history of opposing tough sentences for criminals. He made this clear when told a House of Commons debate that 'I do not normally favour a tough sentencing policy' back in 1994 signifying the longstanding nature of his belief in this area.¹⁶

Corbyn went further in 2015 when he argued for criminals to be given more lenient punishments. He argued: 'I do think that we should be looking for much shorter sentences, much higher level of education within the prison, much more family leave, and much more appropriate, sensible family visiting of people in prison'.¹⁷

His voting record would also give concern to those who want a tough approach to criminality. He voted against ending automatic early release for dangerous offenders, against repeated jail time for repeat knife carriers and has called for prisoners to have the right to vote.¹⁸

Corbyn's view is clearly shared by Shadow Home Secretary Diane Abbott. She has previously claimed that 'everyone should be anti-prison' and that calls for longer sentences are simply 'knee-jerk reactions of the tabloid press'.¹⁹

In addition, she has long argued against longer sentences for knife crime. Appearing on Question Time, Abbott said: 'The idea that long sentences in themselves, given all the complicated issues around this, will solve the problem, I don't think it's true'.²⁰

Their position is also backed up by Richard Burgon, the Shadow Justice Secretary, who has opposed plans to create more prison places.²¹

This has been further reinforced by Shadow Attorney General Baroness Chakrabarti who when asked if Labour would build more prisons, replied: 'I hope not because I think there are too many people in prison'.²²

Corbyn has personally worked to get softer sentences for criminals

As well as making his views clear Corbyn has also made efforts on behalf of criminals to get more lenient punishments for them.

Examples include:

Corbyn aided a campaign to free a terrorist who served 20 years for trying to kill a police officer.

- Paul Norney was given a life sentence in 1976 for attempted murder after shooting Inspector Emlyn Watkins in Manchester. Mr Corbyn, then just a Labour MP, appeared with Norney's wife Briege at a meeting in his Islington constituency in 1995.²³

Corbyn worked to try and secure a soft sentence for a violent gangster.

- He appeared before Wood Green Crown Court in 2008 to claim Salah, a school-friend of his son, had showed 'contrition' and turned his life around. He said: 'The events of that time were appalling and have to be condemned. But [Salah] has managed to significantly change around his life. He has realised that the only way is to not engage in this pointless gang culture. He has given a lot of time to community work with young Somali people and shown a high degree of contrition'.²⁴

Corbyn lobbied the Attorney General for softer sentences for those involved in the London riots.

- He asked the Attorney General: 'Is he prepared to undertake a study so that we can see what has happened and find out how many young people who naively got involved in things that they should not have been involved in have been given wholly disproportionate sentences?'.²⁵

Corbyn suggested that the 32-month jail term handed down to a student who dropped a fire extinguisher off a roof, almost killing a police officer during riots, was 'disproportionate'.

- He said: 'I think the sentence he got was possibly disproportionate to the crime he committed and I think that is the fundamental point about it'.²⁶

Corbyn intervened in a court case to try and keep a suspected fraudster and constituent, Mohammed Dahir, out of prison and on bail.

- He wrote to a judge pleading for Mohamed Dahir – who comes from the labour leader's Islington North constituency – to be released on bail after he was charged for his part in a major 'vishing' scheme which netted over £600,000.²⁷

Given the clearly expressed views of Corbyn and his team alongside his actions as a Member of Parliament it is obvious that they have no interest in ensuring that criminals receive the punishments they deserve. The abolition of short sentences may just be the beginning. Undoubtedly our streets will be less safe under Labour.

ANNEX: Sentencing data

Offence	Convictions (2018)	Sentence <6 months (2018)	Sentence >6 months (2018)	Proportion who would avoid prison under Labour
Possession of an article with a blade or point	8,382	1,286	1,793	79 per cent
Theft from the person of another	2,228	492	319	86 per cent
Going equipped for stealing	913	268	48	95 per cent
Possession of a controlled drug – Class A	7,525	422	65	99 per cent

Source: Ministry of Justice, *Outcomes by Offence data tool*, 2018

REFERENCES

1. *Labour Party Press Release*, 21 September 2019, [link](#)
2. Richard Burgeon, *Speech to Labour Party Conference*, 22 September 2019, [link](#)
3. Labour Party, *It's Time for Real Change*, 2019, p.47, [link](#)
4. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#)
5. Ministry of Justice, *The Mix of Prior Disposals in Offending Histories: Ad Hoc Statistics 2019*, archived
6. Ministry of Justice, *Criminal Justice Statistics – Quarterly update: the year ending March 2019*, table Q5.2c, [link](#)
7. Civitas, *Ending Short Prison Sentences: An amnesty for prolific thieves and burglars*, February 2019, p.3, [link](#)
8. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#); *CRD Analysis*
9. *The Sun*, 23 February 2019, [link](#)
10. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#); *CRD Analysis*
11. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#); *CRD Analysis*
12. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#); *CRD Analysis*
13. Ministry of Justice, *Outcomes by Offence data tool*, 2018, [link](#); *CRD Analysis*
14. *Scottish Legal News*, 24 June 2019, [link](#)
15. Civitas, *Ending Short Prison Sentences: An amnesty for prolific thieves and burglars*, February 2019, p.2, [link](#)
16. *Hansard*, 15 April 1994, Col.588, [link](#)
17. *Interview with Warrington Young Labour*, 27 July 2015, [link](#)
18. *Hansard*, 29 June 2011, Col.1066, [link](#); *Hansard*, 17 June 2014, Co.1057, [link](#); *The Telegraph*, 4 May 2014, [link](#); *Express*, 7 August 2017, [link](#)
19. Diane Abbott, *Twitter*, 15 July 2013, [link](#); *Hansard*, 9 June 2009, Vol. 493 Col.677, [link](#).
20. *Daily Express*, 9 November 2018, [link](#)
21. Richard Burgeon, *Speech to Labour Party Conference*, 22 September 2019, [link](#)
22. *BBC*, *Andrew Marr Show*, 1 December 2019, archived
23. *Sun*, 6 November 2019, [link](#)
24. *Mail Online*, 12 December 2015, [link](#)
25. *Hansard*, 11 October 2011, Col. 178, [link](#)
26. *The Telegraph*, 28 September 2015, [link](#)
27. *IBT*, 10 December 2015, [link](#); *Independent*, 11 December 2015, [link](#)

