There is a widespread public perception in Britain that prison is under-used and sentencing too lenient. The most recent British Crime Survey found that 41 per cent of people interviewed in England and Wales believed that ‘too lenient sentencing’ was ‘a major cause of crime’ (Thorpe and Hall, 2009, p. 96). This view is shared by respondents to surveys in Scotland and Northern Ireland (Northern Ireland Office, 2005; Scottish Executive, 2007). Despite the fact that such views are more likely to be informed by ignorance than reality (Hough and Roberts, 1998), they are widely echoed by the media and even expressed by some senior ministers. For example, in 2006 *The Sun* seized on the case of Craig Sweeney, a convicted sex offender who, in the opinion of the tabloid, had received an unduly lenient penalty for sexually abusing a three-year-old child. It launched a campaign demanding that judges who handed down lenient penalties to murderers, rapists, paedophiles and other violent criminals be sacked. Under the headline, ‘We Demand Real Justice’, *The Sun* published the photos of ten judges accompanied by details of their ‘lenient’ sentencing history (*The Sun*, 2006). John Reid, then Home Secretary, soon joined the debate, declaring publically that Sweeney’s sentence was indeed ‘unduly lenient’ and requesting that the Attorney General send the case to the Court of Appeal for review. Such highly-publicised cases obviously help to fuel perceptions of leniency but it should be borne in mind that in England and Wales the cases of only 80 offenders whose sentences were considered to be unduly lenient were referred to the Court of Appeal in 2008 (Attorney General, 2009), representing a mere 0.01 per cent of all offenders sentenced that year (Ministry of Justice, 2010a).
The prison population explosion

The reality is that sentencing has been getting tougher over recent years as people have been spending ever-longer periods of time in prison. According to official Ministry of Justice reports, this has been a major cause of the exponential rise in the prison population, together with tougher enforcement rules and an increase in the seriousness of offences coming before the courts (Ministry of Justice, 2009a). Indeed, the prison population of England and Wales has risen by almost 88 per cent since 1992 (ICPS, 2010). In April 2010, just before New Labour left power, it stood at the historically high rate of 154 people incarcerated per 100,000 people (ICPS, 2010) or 85,086 people in total (HM Prison Service, 2010a). It is expected to hit a maximum high of 93,900 by 2015 (Ministry of Justice, 2009b). Scotland has also seen a considerable rise in its prison population – approximately 42 per cent since 1992 (ICPS, 2010). In early 2010, there were 7630 people incarcerated, representing a rate of 146 prisoners per 100,000 people. Although this annual rate of imprisonment is less than that of England and Wales, Scotland’s daily rate is actually considerably higher – 753.9 new entrants to prison per 100,000 inhabitants per day –, placing it top of a Council of Europe league table measuring flow of entry to prisons (The Herald, 2008). Northern Ireland is the only apparent exception to these trends towards carceral inflation, having experienced a significant decrease in its total prison population. Since 1992, the population fell by almost 24 per cent and the region currently incarcerates 1377 people, corresponding to a rate of 77 inmates per 100,000 people (ICPS, 2010). However, this drop can largely be explained by the release of political prisoners – who represented a quarter of the total prison population – following the Northern Ireland (Sentences) Act 1998. These figures mask the fact that the population has actually been rising considerably since a low of 877 prisoners in 2001 (ibid.): this marks an increase of over 57 per cent in just nine years!

There are also more women, young people and foreign nationals in prison in the UK than in the past, although Northern Ireland represents an exception in the first two instances. The number of women in prison in England and Wales has almost doubled since 1996 – they now represent 5.1 per cent of the prison population (Berman, 2009, pp. 5–6). In Scotland, the average daily female population, which represents about 5 per cent of the total prison population, increased by 87 per cent between 1998/99 and 2007/08. Conversely, in Northern Ireland, the number of women in prison has remained relatively stable over the past ten years (O’Loan and McKibbin, 2008, p. 3).