



Disclosure Ref: 7 sent 20.4

Freedom of Information Act 2000 Request

Prosecutions statistics of prisoners found with mobile phones

Request

1. At each prison in England and Wales, how many prisoners have been prosecuted in connection with the discovery of mobile phones inside each prison since the Crime & Security Act came into force in March 2012

2. At each of those prisons and over the same time period, how much extra time was added onto inmates' pre-existing sentences following those prosecutions?

Response

The Crown Prosecution Service (CPS) collates data centrally for the offences prosecuted under Section 40C of the Prison Act 1952. This section states:

40C(1) A person who, without authorisation –

- (a) brings, throws or otherwise conveys a List B article into or out of a prison,
- (b) causes another person to bring, throw or otherwise convey a List B article into or out of a prison,
- (c) leaves a List B article in any place (whether inside or outside a prison) intending it to come into the possession of a prisoner, or
- (d) knowing a person to be a prisoner, gives a List B article to him,

List B articles includes, but is not limited to, mobile phones.

Please note the data is not held by defendant or outcome and it is often the case that an individual defendant will be charged with more than one offence. In order to establish the number of prisoners prosecuted for these offences, the nature of the articles in question being brought into prisons, the prison concerned or - if recorded on the case file - any sentence imposed if the prosecution was successful, would require a manual review of case files.

Section 12(1) of the FOI Act means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. [The appropriate](#)



[limit for central government is set at £600.](#) This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

Since 2012, there have been 1,069 offences charged and reaching a first hearing at magistrates' courts under Section 40C of the Prison Act 1952. We believe that the cost of manually reviewing the case files corresponding to these offences to establish if a mobile phone was brought into a prison would exceed the appropriate limit outlined above. Consequently, we are not obliged to comply with this part of your request.

In relation to the information you have requested in question two on the penalties imposed upon conviction, the Crown Prosecution Service (CPS) is not the official holder of sentencing data. This is held by Her Majesty's Courts and Tribunal Service and the Ministry of Justice so please refer this part of your request to them by using the links below:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service>

<https://www.justice.gov.uk/information-access-rights/foi-requests/make-an-foi-request-online>

Under section 16 of the FOI Act we have an obligation to advise what, if any, information may assist you with your request. I believe Her Majesty's Prison & Probation Service may also be able to assist with your request for information and I provide their contact details below in case you wish to explore this further:

<https://www.gov.uk/government/organisations/her-majestys-prison-and-probation-service>

Information Management Unit

020 3357 0899

FOI.Unit@cps.gsi.gov.uk