

# **Diocese of Worcester**

## **Criminal Justice Affairs Group**

### **Annual Report 2021 - 2022**

#### ***Foreword by the Bishop of Worcester***



More than three hundred thousand children in this country today have a parent in prison: many of those children have little or no face-to-face contact with their mother or father because of the suspension of family visits. In the past year, suicides in prison have increased by 13%. Of the 1,344 people who died while on probation, nearly a third took their own life.

One reaction to all this is to say that those who go to prison are just paying the price for their criminal activity. If that is your reaction, I invite you to pause for a moment and consider whether the 'price' is proportionate and also who exactly is paying that price. Before you do that, you might take the time to read this report.

The statistics I have just quoted are sadly just part of a long litany of facts and figures, all of which call into question the very title 'Criminal Justice System'. A more accurate description might be 'Criminal Punishment System'. A system of justice would not have such a heavy emphasis on punishment; it would be

concerned for proportionality, would promote restoration and rehabilitation, would, in a former prime minister's words be 'tough on crime, tough on the causes of crime.' It would also look at the impact of imprisonment on prisoners' families, all of whom have to 'pay the price', even though they have done no wrong.

I am profoundly grateful to our Criminal Justice Affairs Group for the work they do in the cause of justice in this wider sense. The members of the group come from a variety of backgrounds and bring a wealth of expertise and experience to their task. They also work collaboratively with other agencies. So please read this report as an invitation to consider how you and your local church might join in this work. No-one can make all the difference, but only you can make the difference you can make, not just for those in prison or on probation and their families, but for the well-being of our society.



## Introduction

The Worcester Diocesan Criminal Justice Affairs Group (CJAG) was formed in March 2015 for the purpose of offering a Christian perspective and advising the Diocese of Worcester on criminal justice matters. From the outset the Group sought to be proactive in its approach to its two main aims:

- internally within the Diocese to offer a Christian perspective and provide expert advice on criminal justice matters, and
- externally to raise public awareness and be catalysts of criminal justice-related social action

CJAG has been in existence for seven years now and this report outlines the activity and achievements over the past year. Membership continues to reflect most aspects of the criminal justice system key agencies, the voluntary sector, those with expertise in CJ issues and the diocese. CJAG presents this annual review of its activities plus its reflections on the way ahead including particular areas of concern for our Diocese and society to consider.

In common with all organisations/groups, CJAG has been affected by the Covid-19 restrictions over the past year and has continued to meet virtually.

The group's main focus throughout 2021/22 was on monitoring the impact of Covid-19 on the criminal justice system, identifying particular areas of concern and supporting the setting up of the Church Welcome pilot. As the year ends, the country is adjusting to the lifting of restrictions, with places of worship open and a realisation of the extent of covid 19 on health, social care and institutions. The impact on prisons and criminal justice processes has been significant with major backlogs in courts and continuing worries about the well-being of staff, prisoners and people who have committed offences living in the community, all of whom are vulnerable to the consequences of the virus, the impact of rising costs, decreased social care and support available and to mental health problems.

CJAG has been increasingly concerned about the state of the criminal justice system and frustrated about government policy not apparently reflecting evidence and the calls for change. The future remains uncertain and there is a very real fear about the effect on vulnerable people such as the homeless, survivors of domestic abuse, those living in poverty and prisoners. Many of the issues are hidden and not of public concern so CJAG sees its role in identifying, raising and challenging them appropriately as central to its pursuit of humane, just and caring treatment of all people.

### **Criminal Justice Affairs Group members**

- **Charmian Manship** (Chair) *Volunteer experience in HMP Hewell Chaplaincy*
- **Diana Fulbrook** *Former Probation Chief Executive and Parole Board member, and previous chair of Adult and Children's Safeguarding Boards*
- **Toby Hooper** *Retired Circuit Judge*
- **Juliet Horne** *Law academic and Witness Service volunteer (until March 2022);*
- **Robert Jones** *Archdeacon of Worcester*
- **Catherine Kevis** *CEO of YSS Charity*
- **Mark Lister** *Retired Solicitor*
- **Derek Markie** *Voluntary sector Evesham*
- **Hugh McMichael** *HMP Long Lartin Chaplaincy Volunteer*
- **Gillian Quinlivan** *Magistrates Association Retired member (until November 2021)*
- **Keith Stokes Smith** *Overseas nationals/Consuls*
- **Stephanie Watson** *HMP Hewell Chaplain*
- **Paul West** *Bishop's Advisor on CJ Affairs, former Chief Constable, West Mercia Police*

## Part 1: Key Events and Activities

### Linkages with other bodies

CJAG works to establish linkages with others, either through membership or shared activities, and has identified the following bodies as potential partnership opportunities to influence change:

- Diocesan Commission for Social Responsibility
- West Mercia Criminal Justice Board
- HMP Hewell
- HMP Long Lartin
- University of Worcester
- Worcester Cathedral
- Worcestershire Interfaith Forum
- Holland House Retreat and Conference Centre
- YSS Charity
- Police and Crime Commissioner
- Is it a crime to be poor Alliance
- Welcome Directory
- Birmingham Consular Association

### Events/Areas of focus

#### Prisons Sunday

CJAG again contributed to the morning service at the Cathedral in October by shaping and leading the readings, hymns and prayers. The focus this time was on the Church Welcome pilot and the preacher was Archdeacon Robert Jones. The prayers and readings were undertaken by St Stephens church, Worcester which is one of the participating pilot churches. This annual event provides an opportunity to highlight work in prisons and prisoners' issues, and to raise awareness amongst the Christian worshipping community. As always, CJAG is grateful to the Cathedral and Dean for the hospitality extended to us which is much appreciated.



#### Church welcome project

CJAG plans were developed to pilot a scheme in partnership with probation in three local churches within the diocese and work was undertaken to set up the arrangements. This pilot, intended by probation to be rolled out nationally, commenced in October 2021 but due to a number of factors there has been a delay in referrals.

The exciting element is probation now recognises faith as a protective factor against re-offending which means they routinely include this in their assessments. A referral system to churches is being set up for those identified as having lower risk and whilst risk management is an essential part of the process, the pilot is essentially about welcoming people who have committed offences into a church community. CJAG is leading on the project, on behalf of the Diocese, and will be evaluating its operation and outcomes before extending it to other churches and faiths.

### The link between crime and poverty

This has been an emerging area of consideration by the group and contact was made with the *Is it a Crime to be Poor Alliance* which is a group of researchers mainly based at Birmingham and Coventry Universities. They had published research about the number of people criminalised for civil matters such as non-payment of a TV licence or homelessness because of a failure to pay a fine. The idea of potentially holding a conference on some of the social characteristics of those within the criminal justice system emerged from discussions with them which CJAG is exploring with the University of Worcester. The Alliance comprises researchers and has proved to be mutually beneficial to keep in touch with common issues of concern.

### Oversight of the impact of Covid-19 on the criminal justice system

CJAG has continued to identify and track what was happening in the criminal justice system as it recovers from Covid-19. The main areas of concern are:

**Statistics:** The prison population has increased with the rate of imprisonment being the highest in Western Europe. There has been a rise in the number of those on remand and those being recalled after release, and a higher proportion of older prisoners with a significant rise in the need for end-of-life care in prisons. People are being sent to prison for longer although most people believe sentences have reduced indicating that a sentencing policy designed to reassure the public appears to be having precisely the opposite effect.

## Oversight of the impact of Covid-19 on the criminal justice system...cont.

**Impact on people:** Behind these statistics lies the impact on the people involved, both staff in all the CJ agencies as well as defendants and those on community or prison sentences and their families. It has, for example, been estimated that more than 300,000 children have a parent in prison each year, many of whom have had no face-to-face contact due to the suspension of family visits.

**Lived experience:** As a result of Covid restrictions, many of the support systems were suspended or severely restricted both in the community and prisons. For prisoners, classroom education, vocational education, work opportunities, group work, communal worship, and access to physical and mental health and drugs and alcohol support were not available; visits were stopped, and prisoners have been locked in their cells for up to 23 hours per day. Although the situation has improved in recent months, the toll this has taken on mental health has been grave. There has been a big rise in the number of deaths and self-harm in prisons and the community: 268 have died from Covid-19, prison suicides rose by 13%, and self-harm incidents by 16%. 30% of the 1,344 who died on probation supervision were self-inflicted, 70 of whom died in the first two weeks after release from prison.

**Lessons learned:** This makes for grim reading and there have been numerous concerns raised through inspections, research, national organisations, and government bodies such as the Constitution Committee and Justice Select Committee. There appears to have been little account taken of this by the government or of the evidence presented, in its policies. The Chief Inspector of Prisons, for example, stated that the one lesson we must not draw from the pandemic is that prisons are safer places when prisoners are locked in the cells for most the time, but the Minister of Justice took the opposite view, saying that the changes necessitated by the pandemic had enabled “regimes to deliver better services and make prisons safer places”, and has concluded that violence is reduced if prisoners are locked down.

**Government policy:** The policy is to increase the number of prison places by 19,000 by 2026, and to recruit 20,000 more police officers. Penal reformers have questioned the need for more prisons with the reduction in crime over the past decade, having the highest rate in Western Europe already, and the cost of a prison place (£44,640) when community treatment and resources are proven to reduce re-offending.

**Criminal Justice Agencies** The impact of this approach on the CJS as a whole does not appear to have been taken into account in terms of resourcing other agencies to enable the system to work as a whole. Courts are making very slow progress catching up with the backlog of cases which has risen to over 430,000 (over 58,000 for crown courts) and the government has decided to give magistrates the power to sentence people to 1 year imprisonment (from 6 months), to reduce the burden on crown courts by an estimated 2000pa. Courts, CPS and the legal profession are all suffering from significant staff shortages, prisons are overcrowded and the probation service is going through a re-integration into a single public sector organisation in addition to managing high caseloads.

**Particular areas of concern:** CJAG has noted with increasing concern the impact of the deteriorating situation on the following:

- Victims whose confidence in the CJS is very low, compounded by the courts backlog
- People from a BAME background. Evidence continues to show racial disparity and that they are disproportionately impacted by and within the system
- The number of those with mental health problems
- The rise in suicide/self-harm and their many and varied causes as this seems to reflect in a more concentrated way the endemic malaise in prisons
- The significant rise in domestic abuse and violence against women and girls during the pandemic
- Women offenders/prisoners, particularly with the poor state of women’s prisons, those who are pregnant and the rise in self-harm
- Young people and the effect of lockdown and lack of support on their health and well-being.

## Part 2: The Way Ahead – Reflections and Prospective Thinking

### Reflections

Covid-19 has put the spotlight on every weakness in the CJ system and reinforced many of the problems that already existed. This past year has seen further deterioration and very real concerns continue about the future of the CJS, the impact on those involved and the apparent lack of awareness that changes made in one area can potentially de-stabilise the whole system. An increasingly punitive approach rather than addressing the causative factors of crime is reflected in government policies and the response from the MoJ when challenged on a number of issues continues to have been bland. It was clear that efficient and effective operation of the CJS is not seen to be a national priority nor was it evident that problems were being addressed and that long-term planning was taking place despite concerns being raised repeatedly from a number of sources. The human cost of this approach and the lack of compassion for all those affected is heart-breaking.

### Societal/Systemic Concerns

- The gaps in public services provision have been highlighted by the coronavirus response
- The disproportionate impact of the pandemic on the poor and disadvantaged, and those from a BAME background
- The disproportionate funding of criminal justice agencies which affects how the whole system operates
- The politicisation of criminal justice matters leading to continuous change and lack of stability
- Piecemeal approach to problems and unclear long-term planning
- Criminal justice agencies are not joined-up nationally either between government departments or strategically which makes it difficult to work together effectively on the ground
- The role of voluntary organisations, many of which have been badly affected by Covid-19
- Rehabilitation in the community particularly the impact of yet further changes to the probation service structure

- Lack of resources and inconsistencies to support rehabilitation and protect victims eg survivors of domestic abuse, mental health support, substance misuse services and lack of accommodation
- Issues of staff morale and stress in all criminal justice agencies
- Issues of staff morale in criminal justice agencies where resource reductions and staff shortages continue to affect the delivery of front line services

### Role of the Church/Diocese

- Understanding the impact of the societal/systemic concerns on local communities, people who have committed offences, victims/survivors and agency staff
- Recognising the strong link between offending and poverty/social problems
- Encouraging distinctive church thinking in parishes, and increasing public awareness of the issues
- Working together in the faith community, harnessing congregational resources to contribute and influence at parish, deanery and diocesan levels
- Promoting and developing the roll out of the Church Welcome pilot
- Supporting CJAG in its activities and challenges about criminal justice matters

### Criminal Justice Affairs Group

- Continue to focus on a small number of issues whilst keeping track of new developments and the overall CJS landscape
- Keeping oversight of the CJS by “thinking global and acting local” (as aptly phrased by Bishop Martin when he attended a meeting)
- Provide focused direction/activity on key issues
- Bring interested parties together to discuss a specific issue and to identify potential improvement actions
- Find ways to influence policy and actions to address concerns

## Part 2: The Way Ahead – Reflections and Prospective Thinking...cont.

### What next?

In addition to monitoring the criminal justice system and the ongoing impact of Covid-19 plus overseeing the Church Welcome Project, continuing areas of interest for CJAG during the next year will include:

- The link between crime and poverty
- Social characteristics of those involved in crime such as homelessness/ accommodation, education/school exclusion, and people who have experienced care, the inter-generational cycle and poor parental supervision
- Equality of access in the criminal justice system to those from black and minority ethnic communities, and the disproportionate impact on them
- Domestic abuse particularly in respect of coercive control
- Imprisonment for Public Protection prisoners (IPPs)
- Changes in the Probation Service and the impact on people who have committed offences
- Mental health provision
- Support for victims/survivors
- Youth Justice

### Key focus points for the coming year

In order to best manage the group's work over the next year, CJAG will continue to focus on a small number of key issues whilst also keeping in mind the overall context. In the coming year, the group will keep tracking issues in the CJS; identify areas of concern and consider how we can be most effective in advising the Diocese; raise public awareness; and influence thinking/policy where relevant. The potential to jointly run a conference with the University of Worcester on the social factors related to crime, will be explored. In addition, and in partnership with the probation service, the group will progress the Church Welcome pilot to support the rehabilitation of lower risk people who have committed offences back into the community.

Activities and achievements for 2022/23 will be reported at the end of the year

### Conclusion

The past year was again challenging and CJAG continued to hold virtual meetings, focusing with growing concern on the impact of Covid-19 on the CJS. Our shared passion for justice for all remains a driving force for the group and led to frustration and anger in some instances at the apparent tolerance of inhumane and unjust treatment of those in a powerless position. Existing cracks in the system widened further and there are very real questions about how some agencies will survive in the future. Time and time again, concerns have been raised nationally about the human cost to all those in the system and the breaching of human rights in the way the response has been managed. Last year we pointed out that one of the many unhappy legacies of Covid-19 will be to entrench existing disadvantage in a group that we know can flourish given the right support. The fact that the problems are generally hidden with little interest taken by the public in the injustice and lack of humanity shown means that CJAG will keep working to raise awareness and the group thanks all those who have worked with us to pursue this.

There have been times in 2021/22 that CJAG has felt righteous anger on behalf of all in the criminal justice system and the fact that, as expressed in last year's annual report, "the scandal is that there is no scandal". Winston Churchill addressed Parliament in 1910 with the following words: "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the state and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry of all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes and an unfaltering faith that there is a treasure, if only you can find it in the heart of every person – these are the symbols which in the treatment of crime and criminals mark and measure the stored up strength of a nation, and are the sign and proof of the living virtue in it". The key question for CJAG remains "What does it take for this to be taken seriously and for change to happen?"