

# **Diocese of Worcester**

## **Criminal Justice Affairs Group**

### **Annual Report 2022- 2023**

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



Since the start of the Covid pandemic, 'lockdown' has become an all too familiar word. Remember the frustrations of not being able to step outside the front door, other than for essential purposes? Remember the boredom of having nothing to do, apart from working from home? Remember the struggle to keep motivated and enthusiastic? Remember the pain of being separated from loved ones? Remember the loss of orientation in time as one day followed another with no variety or differentiation? It was an experience to forget, yet it was also stubbornly unforgettable, a nightmare, please God, never to be repeated.

Yet long before the word came into common usage, 'lockdown' was a well-known term within our prisons. Here the meaning includes all of the above and also is much more literal: people serving a prison sentence are locked into their single cell by officers – no chance of sneaking out for a breath of air or spot of exercise. And just as Covid made life more difficult for everyone, so it made the harsh life in prison all the harsher. During Covid, some people were confined to their cells for 23 hours a day, and in some places, scandalously, this remains the case. Even if you remember your own lockdown experience, you still might struggle to imagine the impact this has on mental health and physical well-being. As you will learn from this report, around half of those entering prison are estimated to have some form of neurodivergent condition, including autism, ADHD, dyslexia, epilepsy, and chronic mental health illnesses. Try to imagine how immensely hard it must be for some of these people to re-engage with society once they are released.

Anyone reading this clear and thorough report from the Criminal Justice Affairs Group (CJAG) will hardly be able to avoid the conclusion that the Criminal Justice System in this country is in a state of severe crisis which affects the whole of our society, not just those people in prison and their families. This makes the sterling work of CJAG so indispensable, and we owe them a huge debt of gratitude. I commend this report to you and invite you not just to read it but to engage with it imaginatively and emotionally, and having engaged, to consider Part 2 of the report and then take action for the cause of justice.

A handwritten signature in black ink that reads "John". The signature is written in a cursive, slightly slanted style.

## 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 eight years now and this report outlines the issues covered during the past year. The aim is for the membership to reflect most aspects of the criminal justice system (CJS) key agencies, the voluntary sector, those with expertise in CJ issues and the diocese. The replacement of people who have departed during the year is ongoing to ensure a balance of experience and expertise across the whole sector. CJAG presents this annual review of its activities plus its reflections on the way ahead including particular areas of concern for our Diocese and the public to consider.

CJAG has moved on from meeting virtually during the lockdown period and members have met in person. The group's main focus throughout 2022/23 was on gathering information about the CJS, tracking what was happening and inevitably identifying the continuing impact of Covid-19 on the system. Themes emerged and particular areas of concern were discussed and highlighted.

Plans to develop the Church Welcome pilot, a partnership scheme with probation, unfortunately fell through due to lack of numbers. This illustrated the problems of recovering from lockdowns in both prisons and places of worship plus probation adapting to major changes. None of these had the capacity to make the adjustments needed to consistently identify and refer people in prison wanting to link in with a church on release and it is to be hoped that over time this can be developed. The group remains grateful to the three churches that agreed to participate in the pilot.

The year has been turbulent for the country in a number of ways with the rising cost of living, state of health, social care and institutions, political instability and government policy. This has inevitably impacted on the CJS and the people within the system including staff, prisoners, people who have committed offences living in the community, their families and victims. Concerns have been repeatedly raised by inspections, the Justice Committee, research findings and national voluntary bodies about what is happening in the CJS including the consequences on people of the major backlogs in courts, rising prison numbers, chronic staff shortages and human suffering.

CJAG has carried these concerns and debated its role in raising awareness and influencing positive change, but the reality is that crime remains a political issue with a constant drive to increase punishment. This has had a significant impact on vulnerable people such as the homeless, survivors of domestic abuse, those living in poverty & prisoners. Many of the issues are hidden and not of public concern in light of other pressing matters. CJAG sees its role in identifying, raising and challenging them appropriately as central to its pursuit of humane, just, effective and caring treatment of all.

### ***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*
- **Robert Jones** *Archdeacon of Worcester*
- **Catherine Kevis** *CEO of YSS Charity*
- **Derek Markie** *Voluntary sector Evesham*
- **Hugh McMichael** *HMP Long Lartin Chaplaincy Volunteer*
- **Tim Morris** *Magistrates Association*
- **Keith Stokes Smith** *Overseas nationals/Consuls*
- **Stephanie Watson** *Experience as an HMP Hewell Chaplain*
- **Paul West** *Bishop's Advisor on CJ Affairs, former Chief Constable, West Mercia Police*

## Part 1: Key issues

### Linkages with other bodies

CJAG has worked 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 preacher was the Revd Hazel Charlton. 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 & Dean for their hospitality, which is much appreciated.



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

The information CJAG has been tracking and monitoring has definite themes with a contextual backdrop of:

**Political context:** There have been several changes in the MoJ's ministerial team during the year with four different Prisons' Ministers (12 since the Conservatives came to power 12 years ago), and three Justice Secretary changes. This has been disruptive and led to inconsistency

**Government policy** has become increasingly punitive and prison numbers are soaring, with 400 police cells being used as an overflow. Particular contributors to this have been:

- The ending of release at the half-way point for violent/sexual offences, increased to two-thirds
- Longer prison sentences generally
- Greater ministerial scrutiny of the Parole Board, blocking the transfer of prisoners to open prisons and some releases
- Imprisonment for Public Protection prisoners (IPPs) and the rejection by the Justice Secretary of the two Justice Committee recommendations to address this injustice
- An increase in the number of those remanded in custody (44% increase in 2 years) and the longer waiting times for court hearings (30% of whom are acquitted or receive a non-custodial sentence)
- Still imprisoning people for short periods including for a civil offence (eg a man received 15 weeks for breaching an order to stop feeding pigeons from his balcony)
- 20 prisons closed since 2010 to save money without replacing the cell spaces and the ambitious prison building programme bogged down in planning disputes
- 20,000 new police officers without equivalent resourcing increases across the whole system

**Covid recovery:** The CJS is a long way from recovering from covid restrictions due to increasing demand, funding constraints, workforce pressures and low public confidence. Many prisoners are still locked in their cells for up to 23 hours per day and full regimes have not restarted so they are unable to access education and work opportunities, and offending behaviour groups. Statistically, 279 prisoners and supervised adults died of covid, and over 38,000 tested positive across 130 estates, figures that have not featured in the public domain

**Staff shortages:** The staffing crisis in the CJS has replaced covid as the main concern, hampering recovery. Retention is problematic with, for example, 1 in 7 leaving the prison service during the year. This loss of experience is affecting many of the agencies with increasing reliance on inexperienced front-line workers which directly impacts on the way people are treated

## Key issues cont...

**Offending related factors** are well known and have been repeatedly raised as the way to prevent crime and repeat offending. The acute vulnerability of people leaving prison has been particularly highlighted and the lack of community resources to address homelessness, accommodation, substance misuse and mental health. In addition, around half of those entering prison are estimated to have some form of neurodivergent condition which impacts on their ability to engage with CJS requirements. This includes autism, ADHD, dyslexia, epilepsy, and chronic mental health illnesses such as bipolar disorder, anxiety and depression. Eg responses to the environment such as busy and noisy wings, cell sharing and understanding of processes can lead to challenging behaviour that could result in them being disciplined or sanctioned

**Response to evidence:** Numerous concerns have been raised through inspections, research, national organisations, and government bodies such as the Justice Select Committee & National Audit Office about criminal justice matters. The standard government response has been somewhat bland with little commitment to address the problems raised

**Criminal Justice Agencies** have experienced real problems, exacerbated by staff shortages:

- The backlog in court hearings continues to be problematic and although reduced, crown courts have been listing cases into 2024. The government has used the barristers' strike (now finished) as the reason for the backlog still remaining high
- The police have been under fire for a number of reasons including attitudes towards violence against women & girls, low number of rape prosecutions, and the strip search of children (about 50pw for the last 5 years) so they are in the process of rebuilding public trust
- Probation has spent the year reunifying the service. Some high profile serious further offence reviews have highlighted the impact of lack of investment over a number of years, high caseloads, lack of experience & central instructions about risk

- The Parole Board has been under review and its independence is being eroded by ministerial intrusion eg professionals/experts not permitted to make recommendations, and more members with a police background to be recruited, plus increasing ministerial scrutiny
- Shortages of people in the legal agencies (CPS, defence lawyers & barristers) have seriously undermined the whole legal process due to reductions in legal aid and under investment in proper remuneration
- Prison overcrowding and the steady rise in custody rates have continued to affect the availability of activities to reduce risk and resettlement opportunities for prisoners plus a significant increase in mental health problems
- Whilst the number of young offenders has reduced, the offences committed are more severe

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

- Injustices and breaches of human rights with compelling evidence that race and ethnicity play an important role in remand and sentencing decisions and that BME defendants are treated more harshly than white British defendants in the court system
- Staff shortages leading to lack of rehabilitation opportunities
- Increase in the remand population and the waiting times for a court hearing
- Prison deaths (371) being the highest ever since records began
- Lack of community resources to address offending related factors affecting remands, sentencing and post release
- Lack of prioritisation of prison education despite half of the prison population assessed as not being functionally literate
- Insufficient mental health resources to support people in the community and in prison
- lack of support on their health and well-being.



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

### Reflections

Serious weaknesses in the CJS have continued and reinforced many of the problems that have existed long term. 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 heartbreaking.

### Societal/ Systemic Concerns

- The impact of government policies that promote an increasingly punitive approach towards those vulnerable to social problems, and the revision of the Human Rights Act
- Gaps in public service provision and the 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
- The disproportionate impact of living costs and government policy on the poor and disadvantaged
- The disproportionate funding of CJ agencies which affects how the whole system operates
- The politicisation of CJ matters leading to continuous change and lack of stability
- Piecemeal approach to problems and unclear long-term planning - a co-ordinated whole system strategy and plan are needed
- CJ 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 depleted because of commissioning and funding rules
- The disproportionate treatment of women who offend
- Issues of staff morale and stress in all criminal justice agencies

### 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
- 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”
- 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?

Continuing areas of interest for CJAG during the next year will include:

- The link between poverty and crime
- Social characteristics of those involved in crime e.g. homelessness/ accommodation, education/ school exclusion, people who have experienced care, the inter-generational cycle and poor parental supervision
- Equality of access in the CJS 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)
- 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; identifying areas of concern and considering how we can be most effective in advising the Diocese; raising public awareness; and influencing thinking/policy where relevant. It is hoped to run an event on the link between poverty and crime to raise awareness and understanding about the predicament so many find themselves in, and to support a wider debate about influencing change and finding potential solutions. Activities and achievements for 2023/24 will be reported at the end of the year.

### Conclusion

The past year has been very challenging for the CJS, and CJAG remains passionate about justice and the need to show compassion towards those in a powerless position and in need of support. The group has been frustrated, angry and at times outraged about the state of the CJS and those within it, the lack of co-ordinated planning and change, government policy, and the apparent ignoring of consistent evidence about the human cost to all those in the system and the breaching of human rights.

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.

Prisoners are some of the most marginalised in society, with experiences of institutional care, homelessness, educational disadvantage, addiction, mental and physical ill health, and abuse, underpinned by poverty and inequality. Many have been failed by other statutory agencies before entering the CJS. Prison is an expensive intervention that does not work for most, and fails prisoners, victims and communities. Instead of protecting the public from harm, it perpetuates the cycle of harms and deaths. Evidence indicates that dramatically reducing the prison population and redirecting resources from the CJS to welfare, housing, education and health and social care would result in holistic investment in communities that addressed the root causes of crime and violence. Community sentences cost about 10% of what it costs to imprison someone for a year and reoffending rates are significantly lower so why is there no change in approach?

Britain has the highest imprisonment rates and most draconian prison system in Western Europe. Peter Dawson, Director of the Prison Reform Trust, describes punishment as “regulated retribution” and as “profoundly Old rather than New Testament, an eye for an eye rather than forgiving your enemies”. He challenges us by saying that “inflicting pain in the name of society brings with it some very weighty duties to respect for human rights, to fairness, compassion, the mitigation of inevitable harms, the provision of opportunities for individual growth and hope”.

As last year, the key question for CJAG remains “What does it take for this to be taken seriously and for change to happen?”

