

# **Criminal Justice System items to note**

## **Meeting on 5.6.25**

### **1. Statistics**

#### **1.1 CJ Statistics quarterly to end December 2024**

The headline trends are:

- The number (1.52m) formally dealt with by the CJS increased by 4% in the latest year
- The total number of Out of Court Disposals issued increased by 5%
- Prosecutions for indictable offences increased by 16% (highest level since 2016). The largest increases came from theft (>40% from shops) and violence against the person offences
- 53% of defendants remanded in custody at Crown Court, up from 52% in 2023
- Police recorded crime (including fraud) decreased 1% from the previous year but 9% higher than 5 years ago. The number of charge (excluding fraud) increased by 11% in 2024
- Those sentenced to immediate custody up by 11% (79,800). The highest custody rates in 2024 were for sexual offences (56%) and robbery (55%)
- Those receiving a custodial sentence of >12 months increased by 5%, primarily driven by increases in public order and miscellaneous crimes against society offences
- 651 were sentenced for involvement in the summer 2024 civil disorder, of which 76% received immediate custody. The average length was 23.3 months, ranging from 1 month to 9 yrs. The longest of between 4 and 9 years were given to those charged with arson endangering life, racially or religiously aggravated criminal damage, and riot related offences.

#### **1.2 Early Release MoJ & HMPPS data between 10.9.24 and 31.12.24**

16,231 were released early during this period, the highest number (5,369) occurring in October 2024. 92% were from male prison establishments; 37% were aged 30–39, & 23% 40–49 yrs; 75% were White, 9% Black/Black British, & 8% Asian/Asian British; 38% were sentenced to <12 months, 22% >4 years. While the Government is to be commended for its transparency, this data only goes up to the end of last year and early release has continued to be in very regular use through 2025. Despite the volume, the prison system remains at crisis point with 88,081 of 89,042 spaces in use on 14 April.

#### **1.3 Court Backlogs Criminal Court Statistics**

These continue to grow in both Crown and Magistrates' Courts with both tiers dealing with more cases but unable to keep pace with growing demand

##### **Crown Courts**

- There were 74,651 open cases at the Crown Court on 31.12.24 almost double of 5 years ago
- 29,485 cases were received into the Crown Court in the last quarter of 2024 up 8% on last year. 11% were for trial, 6% for sentence, -16% for appeal cases
- Violence against the person 9%, sexual offences 15% and drug offences 9% contributed most to the overall increase
- 28,143 cases were disposed at the Crown Court, up 7%. The largest increase was sentence cases (up 13%) whereas for trial cases increased by 5%

One of the main reasons for the increasing backlog is the ineffectiveness of the Crown Court system: The number of listed trials decreased by 6% of same quarter in the previous year; effective trials remained stable at 43% (pre-COVID averaged around 50%); cracked trials remained at 31%; and 25% were re-scheduled. There has been a substantial deterioration in the ineffective trial rate of prior to 2020 (about half the current rate) and rates have stabilised at these higher levels.

##### **Magistrates' Courts**

Although the backlog has also risen in Magistrates' Courts, the problem is not so pressing.

- Receipts into the magistrates' courts fell by 2%, while disposals increased by 3%. Despite this, disposals remained below receipts so the open caseload increased
- Disposals increased by 3% due to a sharp increase in summary non-motoring disposals, up 27% on the previous quarter and accounting for 38% of all disposals
- At end Dec. 2024 there were 309,838 open cases at the magistrates' courts, up 14%

These figures make it clear that any Government is unlikely to get on top of these backlogs (which have huge and often traumatic impact particularly on victims of serious crimes and on those defendants who are innocent) in the short-medium term without substantial policy changes. We must wait for Sir Brian Leveson's Review of the Criminal Courts to see whether the Government has the appetite for fundamental changes to our long-standing court system.

## **2. Sentencing**

### **2.1 Sentencing Review** *led by David Gauke published on 22.5.25*

This effectively sets the CJ policy direction for the rest of this Government. Its remit was to follow "3 core principles to ensure a sustainable justice system". David Gauke makes it clear that the Review's principal task was to put the prison population on a sustainable footing, ensuring that in the future further emergency releases would not be necessary. He delivered on that, setting out proposals in which some currently receiving custodial sentences are, instead, punished in the community and that some of those who still receive custodial sentences spend less time in prison. The combined effect of five key recommendations in the Review is estimated to reduce the prison population by around 9,800. The Review also sets out recommendations to address other challenges which continue to place the prison system under pressure:

*Probation is central* If the recommendations are to make things better and not worse, there needs to be a well-resourced, fully functioning probation service (HMIP Chief Inspector makes it abundantly clear this is very far from the current situation).

*Technology* It puts a lot of faith in the potential for technology to play an important role in reforming the CJS including more electronic monitoring and helping with the probation administrative burdens. There are nine chapter headings with 48 recommendations:

- *Revisiting the statutory purposes of sentencing* and amend them to emphasise the importance of protecting victims and reducing crime
- *Strengthening alternatives to custody in the community* – revise the sentencing framework to ensure sentencers can take full advantage of the flexibility of community sentencing, including financial penalties and ancillary orders (eg football match bans)
- *Reducing reliance on custody* - legislate to ensure short custodial sentences are only used in exceptional circumstances
- *Incentivising progression from custody to community* – prisoners can be released earlier through "earned progression" defined as rewarding compliance with prison rules
- *Taking a victim-centred approach* –improve public awareness and information on sentencing, more transparency about sentence lengths and better support to victims
- *Targeted approach to different groups* –aimed at prolific offenders, women, drug and alcohol offenders, older offenders, Foreign National Offenders and sex offenders
- *The role of the probation service* – more investment in the service itself and funding for Third Sector and community organisations
- *The role of technology* – rapid roll out of technology in offender supervision, improved data sharing and explore use of advanced AI.
- *A sustainable prison system* – include an external advisory body and transparency around the impact of new legislation on prison capacity

Two primary risks are identified to the recommendations being effectively implemented:

- If the probation system is left unable to cope with the additional demands, the consequence will be growing pressures to make more use of custodial sentences
- Politicians of all parties must resist the recent trend of introducing more and longer sentences

### **2.2 The purpose of sentencing** *extracts from first chapter of sentencing review*

"There has been insufficient consideration of all of the statutory aims of sentencing: punishment, crime reduction, reform and rehabilitation, public protection and reparation. Punishment is an important aim for the CJS and prison plays a vital role in delivering punishment. But too often decision-making has been based on an approach that punishment is all that matters, and that the only form of punishment that counts is imprisonment." The Review also recommends introducing "crime reduction" as an overarching principle that governs the five purposes of sentencing. The reason for this is an explicit recognition that despite the dominant political and media discourse,

merely sending more people to prison for longer periods of time is not very effective in terms of reducing crime and preventing further victims. There is no hierarchy set out in law for how the purposes of sentencing should be applied, but the trend for ever longer sentences without robust evidence of their impact on deterrence and reducing reoffending suggests there is an over-emphasis on the principle of punishment. The Review therefore recommends clarifying that there is no hierarchy in the five purposes as is the case in other jurisdictions eg New Zealand states “to avoid doubt, nothing about the order in which the purposes appear in this section implies that any purpose referred to must be given greater weight than any other purpose referred to.

### **2.3 Community Sentences** *extracts from second chapter of sentencing review*

“For many offenders and offences, community sentences can fulfil the statutory purposes of sentencing. Not only do they punish but they also provide visible reparation within communities and can reduce crime by requiring offenders to address the root causes of their offending. Both national & international evidence suggests that well-resourced community orders can be effective at reducing reoffending and keeping the public safe.” The number of community sentences imposed each year has dropped 61% between 2010 (14% of total sentences) and 2024 (6%). Official statistics suggest that community orders and suspended sentence orders are associated with lower proven reoffending rates than short-term custodial sentences (<12mths). There are conflicting demands of getting a community sentence right including offering both punishment and rehabilitation, designed to fit the specific criminogenic needs of the individual offender and not have so many requirements that overload those sentenced to them. “The delivery of robust punishment in the community must also be considered in the light of the significant resources devoted to custodial sentencing”. The average annual cost of a prison place was £53,801 in 2023-24, and the planned prison build programmes are estimated to cost between £9.4b/£10.1b. The average cost of a probation court order was estimated at c.£3,150. The Review wants to give sentencers more powers without encouraging them to make too many requirements on one person eg the use of options should not be restricted to ‘relevant offences’ as they currently are eg sentencers could add driving disqualification to a community order. Other options to punish people in the community should be explored including social media bans – once the ability to enforce such an order were in place. The Review is well aware that returning probation supervision to its more traditional strengths of working with individual people on probation in a bespoke manner will put even more pressure on a beleaguered service so greater use of interventions delivered by other organisations should be made with probation oversight.

### **2.4 Government reforms** *MoJ response to the sentencing review*

The prison population is now rising by 3,000pa but in the past 14 years just 500 extra places were added, despite the prison population nearly doubling over the last 30 years. There are plans to invest £4.7b more in prison building, opening 14,000 places by 2031. “Our prisons are, once again, running out of space and it is vital that the implications are understood. If our prisons collapse, courts are forced to suspend trials, the police must halt their arrests, crime goes unpunished, criminals run amok and chaos reigns. We face the breakdown of law and order in this country”. A 45% increase in probation funding by the final year of the spending review period (ie up to £700m more by 2028/29) will be made. Other reforms include:

- A new “earned progression model” so prisoners earn their way to release through good behaviour or face longer in jail (no automatic release for those who misbehave). All on standard determinate sentences will spend at least one-third of their sentence inside (two-thirds for extended determinate sentences) before consideration by the Parole Board (these differ from the Review’s recommendations). The government will introduce a tougher adjudication regime so that bad behaviour in prisons is properly punished
- When released, offenders will enter a new period of “intensive supervision” with more offenders tagged and many more placed under home detention

Other major changes include:

- Earlier deportation of foreign nationals who have already served 30% of their term (now 50%)
- A presumption against custodial sentences of <1yr in favour of tough community sentences that better punish and stop reoffending (currently, c60% reoffend within a year)

- Greater use of curfews and exclusion zones to deliver tougher supervision
- Wider powers to expand judges' use of 'ancillary orders' eg driving bans, travelling abroad
- More Intensive Supervision Courts to tackle the root causes of crime eg alcohol & drug abuse, forcing repeat offenders to take part in tough treatment programmes or face prison
- Developing new ways for offenders to undertake tough, unpaid work, including for a private sector company with payment going to support victims, working closely with councils to find the jobs that need doing (eg street cleaning and filling in potholes)
- Expand usage of chemical suppressants on sex offenders & explore making this mandatory
- Increase tagging for VAWG perpetrators enabling closer monitoring of abusers to reassure victims & remove the onus from them to prove breaches had occurred
- Identify perpetrators of domestic abuse at sentencing, requiring judges to flag this at sentencing so prisons, probation and police can better identify and manage abusers
- Expand Specialist Domestic Abuse Courts
- Bolster transparency for victims at sentencing including free copies of judges' sentencing remarks for victims of rape and other sexual offences
- Going beyond the Review's recommendations, the government will explore some offenders being locked into specific 'restriction zones' monitored by GPS tags so victims can feel safe

## **2.5 Sentencing Council's Guidelines**

The Sentencing Council intends to issue new guidance aimed at tackling bias and reducing reoffending, expecting magistrates and judges to consult a PSR before determining whether to imprison someone of an ethnic or religious minority, as well as young adults, abuse survivors and pregnant women. They have refused to back down from this despite pressure from ministers over concerns about introducing a "two-tier" system. The Lord Chancellor has since announced fast-tracking legislation to stop guidelines coming into effect that single out differential treatment of ethnic minority offenders in sentencing. The Council has agreed to delay implementation while Parliament considers The Sentencing Guidelines (Pre-sentence Reports) Bill. This will ensure that guidelines about when a PSR should be obtained do not specifically refer to the race, ethnicity, or any other personal characteristic of the offender, avoiding differential treatment before the law. The disagreement throws into question the future role of the Sentencing Council at a time when a cross-government campaign to reduce the power of quangos is under way.

## **2.6 Citizens' Panel Views on sentencing Prison Reform Trust Report**

The panel was made up of a representative sample of 15 members of the public and concluded that the current sentencing system is "complex, bureaucratic, and unfit for the pressing needs of society." It was timed to provide insight for the sentencing review. Although a public dialogue and various polls and surveys have been undertaken on public awareness of sentencing, this is the first deliberative exercise to explore public attitudes on effective sentencing. The findings reveal a strong public desire for "a system which is fair to everyone in society and prioritises keeping people safe whilst achieving better outcomes from reform and rehabilitation". The panel identified several critical issues with the current sentencing system:

- Low public awareness leading to misunderstandings that can unduly influence policy
- Systemic unfairness that disproportionately affects minoritised ethnic groups, women, and working-class individuals
- Ineffective rehabilitation programmes that fail to achieve desired outcomes
- Financial inefficiency particularly prison costs during a cost-of-living crisis

The panel proposed four main routes to developing a more effective sentencing system:

- Improving trust and accountability to build a fairer system that is understood by wider society – improved by demonstrating long-term strategic thinking and effective use of resources
- Modernising the system through better use of technology, data, and a simplified sentencing framework and guidelines
- Restricting custodial sentences to the most serious crimes and improving prison rehabilitation
- Increasing community sentencing for less serious offences with improved NPS resources
- members included the more visible use of community sentences for making reparation, and national service as an alternative to custody for some serious offences.

### 3. CJS agencies

#### 3.1 Courts

##### 3.1.1 *Antisocial behaviour injunctions (asbis) Analysis from academics*

An asbi is a civil injunction used to tackle antisocial behaviour, and can be issued to anyone aged 10 or over. Breaching an injunction is not a criminal offence, but those who disobey an order are guilty of contempt of court and can be sent to prison. Civil injunctions are also used in cases involving protesters, and land disputes involving Gypsies and Travellers. Findings include:

- 57% had no legal representation at breach hearings that led to imprisonment
- Almost 250 have been imprisoned for breaching asbis since 2020, with people being jailed for sleeping rough, begging, feeding birds and making a noise. Out of 242 cases, 72 were for general nuisance, 61 for abusive language and 51 for noise
- People who are destitute, homeless, have mental health issues, neurodiversity or learning disabilities were disproportionately affected eg a woman was imprisoned for 18 months for repeatedly entering a YMCA building to sleep in the communal areas; and a man diagnosed with schizophrenia in 2003, breached an asbi in 2021 by banging on his neighbour's door and damaging it and jailed for 66 days (he died in prison of sepsis after not eating for 4 days).

In November, the home secretary announced that people who persistently exhibit antisocial behaviour will face up to 2 years in jail under new respect orders, with police and councils handed powers to ban persistent offenders from town centres: "Civil injunctions have led to terrible injustices, and respect orders will be even worse. These powers aren't targeting 'hooligans', they are targeting those in poverty or with mental health problems, and they are being imprisoned for nothing more than going into a certain area or asking for 50p. The CJS should focus on real crimes, not pensioners feeding the birds or someone trying to find somewhere to sleep for the night." Housing associations accounted for 45% of the asbis where someone was committed for sentence, while LAs accounted for 41%. The analysis found people were imprisoned for an average of 95 days for breaches, with Gypsy and Traveller cases disproportionately more likely to receive a higher sentence. The report raised concerns about people being imprisoned even where there was no evidence of harm or inconvenience caused. A Home Office spokesperson said: "New Respect Orders will give police and councils the powers they need to clamp down on persistent antisocial behaviour and to place tough restrictions on the worst offenders."

##### 3.1.2 *Use of Juries Extracts from a Guardian Article by Simon Jenkins*

As of September 2024, a record 73,000 trials are waiting their turn in a bureaucratic corridor. In March, a trial of a man alleged to have been threatening members of the public with a machete was postponed for 3½ years to 2028. A 2023 report by the charity Rape Crisis said on average adult survivors of rape wait 787 days from reporting to case completion in court. The "right to a jury" is a hangover from a medieval entitlement to judgment by one's "peers" over the whim of an unelected manorial lord or other authority. Today, a criminal trial tends to depend overwhelmingly on scientific analysis or, in fraud cases, on technicalities of finance. Leaving this to groups of amateur strangers is absurd, their reasons for ever secret. Defenders of the jury system are almost exclusively barristers, which unfortunately means a disproportionate number of MPs. There is no conclusive evidence they are more "just" than systems based on judges in the rest of Europe – or in non-jury courts in Britain. One expected reform is that Britain should join the rest of Europe and end, or drastically curtail, the jury system. Already only 1% of criminal cases culminate in trial by jury. Sir Brian Leveson, leading the Courts Review, was a radical – or tried to be – in reforming the press. If he has the guts to do the same to his own profession he will have a tough job with his fellow lawyers. But at least this time he has two potent allies: a system that is clearly collapsing and a chancellor desperate to curb public spending. All strength to his arm.

#### 3.2 Parole Board

##### 3.2.1 *Developments Extract from blog by the new Chief Executive after first 6 months*

It has been a busy period as different parts of the Victims & Prisoners Act were implemented. The Act came into force late last year and brought about some changes to the way that we do our work. The Act codified the 'public protection test' to be applied when Parole Board panels are considering

whether to direct a prisoner's release. The wording now includes an explicit statement that there must be no more than a minimal risk of the prisoner committing a further offence which would cause serious harm. The core part of the test is still what it has always been, which is whether it is necessary for the protection of the public that the prisoner remains in prison. There is no presumption in favour of release and public protection is the overriding consideration. Our release rate has remained consistent with around 1 in 4 of our decisions being a direction for release. Regarding IPPs, I am determined that the Parole Board will play our part in resolving the ongoing issues as we recognise that many feel a loss of hope with their situation. We welcome the changes Act for those eligible to have their licence terminated. Since November 2024, 1,742 IPPs had their licences automatically terminated, without a Parole Board assessment. Since February eligible IPPs are now being automatically referred to the Parole Board for a review to decide whether it would be safe to terminate their licence after 3 rather than 10 years. There is also now a statutory presumption that the licence will be terminated, although the Parole Board will direct that the licence stays in force if it believes that continued supervision is required for the protection of the public. We have made nearly 300 decisions on IPP licence terminations, with almost 150 agreed and the average timescale for making these decisions is just over 2 weeks.

### ***3.2.2 Victims attendance at parole hearings MoJ statement***

For the first time, victims can apply to observe private Parole Board hearings held to decide if a prisoner is safe to be released. It will let victims see first-hand how offenders are held accountable for their crimes, their subsequent behaviour in prison and their work to prove they can live law-abiding lives if released. A pilot found victims were reassured to see the level of scrutiny that prisoners are put under before any decision to release them is made. It is hoped, therefore, that these changes will provide more victims with a greater understanding of the decisions made while ensuring they feel more involved in the process. Victims who are part of the Victim Contact Scheme will apply to attend hearings with the help of their victim liaison officer and those who are successful will observe remotely so they do not have to sit with the perpetrator. They will then be provided with in-person support during the hearing and directed towards additional support if necessary. Victims will not be able to observe the entire hearing, as certain evidence must be heard in private, such as risk management. New measures will be implemented later this year to introduce a Ministerial check on the release of the most dangerous offenders. This power will give Ministers better oversight of the release of the most serious offenders by allowing them to refer certain cases directly to the High Court for a second check.

## **3.3 Police**

### ***3.3.1 Police capacity Report by HMIC, Fire and Rescue Services***

Overworked police lack the resources, time and experience to investigate crimes properly, leading to victims being failed and an erosion in faith in law enforcement. The rate of positive outcomes, when police identify a suspect and they face justice, has crashed from 25% a decade ago to 11% in 2024. There is a huge variation, with the best forces gaining positive outcomes in 20% of allegations they record, the worst 7%. In too many cases police are "overwhelmed" when it comes to the most frequent "volume crimes" such as assault, burglary, car theft and shoplifting. The report finds police could do better with what they have got, and the inspectorate repeats a constant criticism: that forces too often do not know the level of volume crime they should prepare to face. Since 2015, workloads have increased by 32%, numbers of police officers and staff are down, and the number of police-recorded crimes per thousand of population is up by 44%. Police investigators are left feeling "embarrassed" about the service they provide. The report is another insight into the chaos at the heart of the CJS. Victims infuriated by delays in bringing cases to backed-up courts pull out, and police files sent to the CPS that are needed to make charging decisions are too often poor. From 2010, the Conservative government slashed police numbers, then after 2018 increased them, leading to an increase in inexperienced officers and staff. "Interviewees often told us that the inexperience of investigators and supervisors contributed to delays because they didn't know how to progress investigations. For example, we found response officers were investigating crimes that were beyond their capability and training, such as complex fraud."

### 3.4 Prisons

#### 3.4.1 *Prisons Crisis Report on Prison Estate Capacity from the Public Accounts Committee*

This takes issue with the prison building plans of the last and current governments and says that failed efforts to increase prison capacity results in endemic overcrowding amid safety risks, increasing violence and hampered rehabilitation efforts. Overcrowding forces prisons to be focused on averting disaster, instead of rehabilitation. The Government is urged to take rapid action on the crisis, with forecasts indicating that prison capacity will run out again in early 2026, despite the recent early release of thousands of prisoners. The headline findings include

- The adult male prison estate had a 99.7% occupancy rate between Oct. 2022-Aug. 2024. (HMPPS says it cannot run the estate efficiently at over 95%). A quarter of prisoners are sharing single cells, often with an open toilet. Violence is up by 14%, and staff attacks by 19%
- The crisis puts barriers in accessing overstretched education & drug treatment services, essential to rehabilitation, health assessments or safety interviews
- To prevent it running out of prison places early next year, HMPPS is relying entirely on uncertain Sentencing Review future changes, assuming their quick introduction
- Bringing the prison estate into a fair condition will cost an estimated £2.8bn, and will also require headroom in capacity. The MoJ has received a 2-year £520m in maintenance funding

The report is critical of MoJ and HMPPS' failures in increasing capacity. In 2021, Government committed to delivering 20,000 additional prison places by the mid-2020s. These plans were completely unrealistic, based on assumptions that planning permission would be secured for new prisons in 26 weeks. The report describes the MoJ as "a department grappling with the fallout of problems it should have predicted, while awaiting the judgment of an external review before taking any truly radical corrective action". Recommendations, include requiring MoJ & HMPPS to:

- Formally set out what they have learnt from the failures of the prison building programme to date and how that learning will ensure the success of the remainder of the programme
- Report on how they will monitor the risks around planning permission for new prisons
- Produce a business case on addressing the maintenance backlog much more quickly
- Write to the Committee within 2 months of the Sentencing Review to set out: how it plans to improve the rehabilitative environment in prison; what additional funding it requires to increase probation capacity and provision of community support; and how it will evaluate the impacts of any future changes to probation and community sentencing on reoffending rates.

#### 3.4.2 *Early re-release of recalls Observer article by Lizzie Dearden*

Criminals who have reoffended or broken probation restrictions are being re-released from prisons early on the government's direction under new measures to ease overcrowding. Last month, officials were instructed to trigger a new policy that aims to shorten the time prisoners spend in jail after being recalled following previous release. More than 1,000 are under consideration for the new scheme, and once it is fully implemented about 400 more could be at large at any given time. The process bypasses Parole Board evaluations of whether prisoners can be safely re-released and instead sees them freed by the justice secretary's representatives. There are concerns that this would cause the release of offenders who cannot be safely managed in the community as there are no exceptions for eg terror, sex, domestic abuse, & stalking offenders. Internal guidance says that offenders are eligible if they are assessed as posing a "low risk of serious recidivism", are not known to present a "high risk of serious harm" and are not under investigation for a "serious further offence". The MoJ said the new policy was necessary because prisoners who could be safely managed outside were spending too long waiting for Parole Board decisions. It said only inmates considered a low risk of serious offending were eligible and that probation officers would perform full checks and put management plans in place before approving re-releases.

#### 3.4.3 *Prison performance Report from a new Institute for Government series on public service performance at the local level - Inside England and Wales's prisons crisis*

This lays bare the shockingly high levels of violence, protests and self-harm and severely limited work and education opportunities for prisoners, and the gap between best and worst prisons is growing. The report argues that widespread systemic problems like overcrowding and a lack of purposeful activity for prisoners, failures by individual prison governors or particularly challenging

prisoner cohorts, are causing severe and sustained decline. Open prisons consistently outperform other categories on a range of measures. Declining performance is not universal across prisons but is widespread, with rates of violence, protesting behaviours and self-harm all rising in a clear majority of prisons. Violence and protests are linked to overcrowding and purposeful activity is linked to safety. Recommendations include:

- Establish a 'minimum regime' across prisons, adequately funded and with activity targets
- Explore options for expanding access to open prisons which have much better conditions and outcomes in addition to being cheaper to run
- Identify elements of the open prison model that could be applied to other prisons
- Build on recent successes targeting employment after release to help reduce reoffending

#### **3.4.4 Prison healthcare provision**

Nottinghamshire Healthcare NHS Foundation Trust has announced plans to withdraw from a contract to provide prison healthcare. It is currently responsible for looking after prisoners at seven jails across the East Midlands and an immigration centre. In a letter to staff, the trust said it had taken the "difficult" decision so it could focus on making improvements in other areas after a damning CQC report about the care of a paranoid schizophrenic who killed three people in Nottingham in June 2023. The CQC ordered the trust to make improvements after identifying "a series of errors, omissions and misjudgements" by mental health services over his care. An NHS England spokesperson said: "We are working with Nottinghamshire Healthcare NHS Foundation Trust to make sure care continues to be delivered safely at the custodial sites where we commission healthcare services until new providers are in place."

#### **3.4.5 Use of force against Muslim prisoners** *Article by Social Justice Charity Maslaha*

Muslim prisoners are disproportionately subjected to force including pain-inducing techniques by jail staff, according to new data – in 1 in 8 of nine prisons with high Muslim populations Muslim men were more likely than the average inmate to be confronted with batons, made to wear rigid bar handcuffs, or deliberately held in a painful position. The figures have been disclosed amid demands for a crackdown on Muslim gangs within the prison estate, after claims they are effectively running some prisons. The national chair of the POA disagreed: "Staff only use force at the last resort when necessary and when it is used, it is always proportionate and reasonable." MoJ data shows there were 15,594 Muslim prisoners in Sept. last year (18% of all inmates) despite comprising only 6.5% of the general population. In April last year, HMPPS made it a national priority to address racial disproportionality in the use of force. This included a new framework that measures disparities in its usage between white and ethnic minority people, which will allow for increased accountability and positive changes on a prison-by-prison basis: "We recognise the use of force in prisons needs greater supervision and have already introduced mechanisms to reduce the disparities in how it is used. Our new race disparity unit will help tackle racial discrimination further."

#### **3.4.6 Attack on prison officers** *Articles/response following Manchester Arena bomber threw hot oil at prison officers and stabbed them with makeshift weapons at HMP Frankland*

This raises questions about separation centres which were set up to tackle extremism in prisons. An HMIP report in 2022 into separation centres at Frankland and Woodhill found that even though the centres were designed for prisoners from any political or religious standpoint, "so far, they have only been used for Muslim men". At Frankland, the prisoners in the unit had collectively decided not to engage with the regime. Having access to a kitchen appears to have enabled the attack. The MoJ took immediate action to suspend access to kitchens in separation and close supervision centres and launched a full independent review into how this attack was able to happen. The POA called for security to be strengthened for its members including the supply of stab-proof vests for staff and electric stun guns for selected officers. Alongside an independent MoJ review into the attack, the Justice Secretary said she would now be auditing the implementation of previous review recommendations into extremism in UK prisons. A blog by Rob Allen highlights the importance of learning the right lessons from the incident and says that whilst "entirely understandable that families whose lives were so tragically torn apart by the bombings find it so hard to believe he has allegedly caused yet more serious harm, less understandable is the rush to judgement from some



commentators about the lessons to be drawn from the awful event". After a shocking assault, it is easy to argue that the risks posed by a particular prisoner should have meant they were prevented from accessing the means of committing it. Perhaps he was unsuitable to be placed in a Separation Centre, whose primary purpose is on preventing the radicalisation of others. Should he have been in another form of unit with closer supervision? We need to trust the police investigation and independent MoJ review to answer those questions. They need to get to the bottom of what happened and to produce recommendations for changes in how it is run. I do not think it is helpful to anyone to speculate in advance.

### **3.5 Probation**

#### **3.5.1 Quality of public protection work HMIP bulletin updating its 2018 research report**

The inspectorate is careful to set its (rather damning) findings in the context of the "difficult and damaging journey" that probation and its staff have been through over the last decade with an enforced privatisation which was then reversed with probation becoming a national organisation located within the Civil Service ie a period of change, disruption and chronic under-staffing. The headline finding states: "The implementation and delivery of services was deemed to be effectively supporting the safety of other people in 35% of the cases examined." HMIP acknowledges that there is a need to be realistic about risk management, recognising that it is impossible to predict future human behaviour in every circumstance or to eliminate all risk. Nevertheless, the public can reasonably expect probation professionals to be analytical and thorough, and to take all reasonable action to prevent offending and serious harm. It advocates that the "future bedrock of an effective Probation Service will be a fully staffed, well-resourced and well-led cohort of practitioners, all of whom are given the time and space to build secure & trusting relationships with those they are supervising, with their colleagues, and with professionals across agencies & sectors within their local areas."

#### **3.5.2 Supervision of higher risk offenders HMIP view**

As from June, proposals approved by ministers will roll out behaviour programmes for domestic abusers and sex offenders delivered by "band 3" staff who are not fully qualified probation officers. There are also plans to cut the number of low and medium-risk offenders required to sit through the twice-weekly rehabilitation courses. Probation officers will instead be expected to manage these offenders through "toolkits" at weekly meetings rather than completing the specially designed programmes. Officials will also scrap some intervention programmes for sex offenders which are expected to be replaced with a single scheme called Building Choices. The HMIP Chief Inspector said: "HMPPS needs to ensure that it is certain and keeps under review the effectiveness of those programmes to ensure that they don't end up in a position in a number of years' time when they've spent a lot of public money, and those programmes have not delivered the sort of changes that we would want." Staff have been concerned about the changes for months and one probation source said: "The MoJ has been told by its own staff that there are real reputational risks for the probation service." The justice secretary announced that rehabilitation courses for 13,000 convicted criminals would be cancelled because of probation officers' "impossible" workloads. Asked by reporters how low-risk offenders would be assessed to have their courses cancelled, she said it would be decided on risk of harm and risk of reoffending rather than offences committed.

#### **3.5.3 HMIP Probation Annual Report**

The Chief Inspector makes it plain that the probation service remains chronically under-resourced but public protection was found to be consistently insufficient across all their inspections in: 72% of cases at the assessment stage; 59% at the planning stage; 74% at the implementation stage; and 66% at the review stage. There were particular concerns around monitoring relationships relating to domestic abuse and/or the safeguarding of children. They also found that too many were not receiving sufficient support for problems linked to their offending & services to provide this were not always available or used appropriately. The Chief Inspector stated: "I now await the outcome of the Sentencing Review. If it follows the evidence, it must inevitably result in the redrawing of boundaries between prison and the community. Implemented carefully, this could ensure we have a more sustainable system with lower reoffending rates. However, to succeed, any reforms to

sentencing must ensure the Probation Service is properly resourced to be able to deal with the cases it is required to manage. A service which is under-resourced and over-stretched will not be able to provide the effective service that the public and victims need.”

#### **3.5.4 Commissioned Rehabilitative Services** *Clinks blog*

These are part of HMPPS and provide flexible support to those in the CJS, delivered by organisations who have bid for and been awarded contracts across different regions. These include support to access accommodation; deal with finances, benefits and debt; dependency and recovery services, as well as personal and emotional wellbeing support. These contracts are now due to be recommissioned, with new contracts commencing in April 2027. Following consultation, they will focus on providing a whole person approach, through a Community Links model, connecting people to a range of community-based activities and resources, strengthening their social networks and relationships to improve well-being, desistance from crime and recovery from substance use. There will be a single point of contact, ensuring the person on probation receives support to access housing, education and employment and financial support. Services will be delivered in custody, pre-release and the community, avoiding duplication of other statutory services and provision. There will be a single contract per specific geographical area with all elements combined. It is acknowledged that for the delivery of these contracts to be a success there will need to be strong partnership working between the lead delivery partner and their supply chain which will allow for a flexible service to meet individual needs.

#### **3.5.5 HMIP Inspection Report on HMPPS**

This identifies a range of major shortfalls and concludes that the Probation Service is not adequately prepared to deliver services to a good standard. It rated national arrangements for the provision of services ‘Inadequate’ and found they were not meeting the needs of regions or the people on probation they managed, with inspectors not assured that public protection and reducing reoffending were central to the commissioning and delivery of services. The overall vision for probation was not underpinned by a current business plan, and the strategic approach, Target Operating Model for Probation Services, had not been updated since the unification of services in 2021. Inspectors found accountability lines for performance and the quality of delivery were unclear, and national governance structures were failing to improve sentence management quality, particularly in public protection. Despite an understanding of high workload demands on probation, and action being taken to address this, senior leaders had not done enough to ensure the delivery of quality services. “Stronger leadership is needed to improve the delivery of the probation service’s two key objectives: protecting the public and reducing reoffending. These should be seen as complimentary and embedded across all delivery outcomes, and we did not see this cohesion at a national level.” The report makes eight recommendations to HMPPS, including the most basic one of producing a coherent business plan. It also urges the organisation to ensure significant risks to probation service delivery are identified and acted upon, to provide regional leaders with greater discretion to commission and contract-manage organisations that meet the needs of people on probation, and to develop digital systems that enable practitioners to access, plan, deliver, and record their work in a timely way. The concluding remarks make clear that not only is the probation service suffering from a prolonged period of re-organisations and neglect but there appears to be no clear leadership or plan to turn things round.

#### **3.5.6 Hope and Probation** *Academic Insight from HM Inspectorate of Probation is titled: Hope and Probation: Using the lens of hope to reimagine probation practice*

This recognises that having hope is important for people desiring change. Three types of hope were identified:

- *Hopelessness* brought to the fore the marginalised nature of people on probation and the painful nature of supervision, with some viewing it as just another form of formal social control. Many were in a bad place in their lives and talked about lacking any hope
- *Institutional hopes* Most priorities (for staff & people on probation) revolved around getting to the end of the sentence or complying with minimum requirements ie reliance on engagement and practice which is technical rather than substantive in nature

- *Transformational or deep hopes* surfaced when interviewees talked about moving away from harmful lifestyles to something more 'normal'

Participants felt probation should be supporting people to achieve the latter but were concerned that it was failing to do so because probation: had become a tick-box culture which interviewees experienced as a dehumanising process; is currently too focused on risk management at the expense of promoting desistance; practitioners' fears of being scapegoated if a person they were supervising committed a serious further offence; increasingly looks to other services to help people achieve their hopes of a better life – in effect, an outsourcing of hope. Interviewees discussed aspects of practice which they felt could make supervision a more hopeful process eg person centred, individualised practice; a focus on strengths rather than deficits; delivery at a local level; engaging with service users to co-produce goals and plans of achieving them; and a focus on making a real difference to people's lives rather than technical compliance

### **3.5.7 The effectiveness of interventions** *MoJ publication of a reducing reoffending evidence synthesis*

This provides an overview of evidence on what works to reduce reoffending, updating evidence previously published by the MOJ in 2013 and 2014, and found the strength for different types of intervention varies considerably. Mixed/promising evidence was identified for employment and mentoring interventions and insufficient evidence for interventions addressing alcohol; finance, benefit & debt; community ties and mental health needs ie not a robust evidence base from which to draw conclusions. The review found some common features across successful interventions which align broadly with principles of behaviour change frameworks used in other settings such as public health. The characteristics of successful programmes are:

- *They are not solely punitive* - punitive interventions alongside rehabilitation
- *They build skills which help people behave differently in the future* – motivation, opportunity to change, and capability
- *They help develop pro-social identities* - a non-criminal identity helps people reintegrate
- *They use the principles of Risk-Need-Responsivity* - interventions matching level of treatment to the risk of reoffending and targeting criminogenic needs
- *They target factors linked to offending*. Interventions targeting linked criminogenic needs reduce reoffending
- *They develop intrinsic motivation to change* - Interventions placing external pressure on individuals to change without developing intrinsic motivation may be less successful
- *They are implemented in accordance with the specification* - programme integrity

Pre-conditions for good rehabilitation include quality leadership, organisational structures, and partnership working, and whilst not covered in the research, the review concludes that it is likely these have been addressed in successful interventions.

## **3.6 Youth Justice**

### **3.6.1 Incapacitating Children in Custody** *Rob Allen post on Justice Secretary announcement*

Two days after announcing a trial into the use of tasers in adult male prisons, the Justice Secretary has authorised the use of PAVA, (synthetic pepper spray) in the three publicly run YOIs which hold children under 18. An MoJ study on use of force spells out the overwhelming and painful effects of being on the receiving end of PAVA. Adult prisoners described feeling unable to breathe, and how the effects lasted more than an hour after exposure. One prisoner said: "My face felt like it was on fire, I couldn't see. I was just left on my own". Exposure to fresh air after an incident, and timely access to healthcare, "seemed inconsistent." Is this what we have come to in dealing with the youngest people in the prison estate? Yes, there is a real and serious problem of violence in youth prisons. Latest data suggests it has worsened, with assaults in 2024 up almost 25% on the previous year. But there are surely better ways to reduce it. The availability of PAVA has not been conspicuously successful in curbing violence in adult jails. So what is the answer? Experience has shown that in small units humane regimes can be run, offering a good amount of education and other activities where officers have the time to work more closely with individuals and support the needs of boys with very challenging behaviour including violence. This surely is the way forward for youth custody. The POA chair said "a 17 year old armed with a knife is just as lethal as a terrorist

prisoner.” Let’s hope we aren’t going down a road which leads to children in custody eventually being tasered too. NB The Howard League for Penal Reform has been preparing to take whatever steps necessary to challenge the roll-out of PAVA spray to prisons holding children, including potential legal action.

### **3.6.2 Crime & Policing Bill**

This obliges professionals, including teachers and health workers, to report suspicions of child sexual abuse to the police or local authority in an attempt by the government to prevent cover-ups. Under the new law, those who fail to comply with the “duty to report” will be liable for sanctions from their professional regulator or the DBS – criminal sanctions (up to 7 years in prison) will only apply if someone deliberately tries to stop a report of child sexual abuse. There will be dispensation for teenagers in consensual sexual relationships, including when it involves a 17-year-old boy and a 14-year-old girl, described as “a Romeo and Juliet exemption”. The UK age of consent is 16 and, unlike in other countries such as Australia, there is no exemption allowing sexual activity between under 18s, even when consensual. The bill introduces the concept of asking professionals to use their judgment about reporting teenagers found to be sexually active, inciting each other to engage in such activity or engaging in it in front of a child. In order to be covered by this exemption, they need to be confident that the individuals are both over 13 and that there are no concerns about any abuse or coercion in the relationship.

### **3.6.3 Repeat offending** MoJ exploratory analysis of repeat offending by children and young people

This focuses on one cohort of young people with repeated contact with the criminal courts, examining their characteristics, offending patterns, and needs. Key findings include:

- prolific young offenders had higher levels of need compared to nonprolific across all 8 criminogenic areas: accommodation, employability, relationships, lifestyle, drug misuse, alcohol misuse, thinking & behaviour, and attitudes. Large differences in significant need included school attendance (49% prolific cf 20%); susceptibility to influence by criminal associates (48% cf 21%); a history of childhood behavioural problems (52% cf 24%)
- 27% of prolific young offenders live in the most deprived 10% of neighbourhoods cf 21% of nonprolific young offenders and 11% of all 18-year-olds
- 70% were first convicted for offences between ages 14-16; 22% before age 14
- 27% received at least one immediate custodial sentence before the age of 18
- Theft offences accounted for 23% of youth convictions, falling to 12% committed as adults. Conversely, convictions for drugs and violence increased from 16% to 25% for adults.
- The more youth convictions an offender had, the more likely they were to continue offending frequently as adults. 9% were convicted of >8 offences as young adults between 18-22.

### **3.6.4 Serious incident annual report YJB Serious Incidents Report**

This is their first ever published report on serious incidents ie where a child aged between 10-17 is charged with committing attempted murder, murder/manslaughter, rape, GBH, or a terrorism related offence. Data indicates that:

- 41% were gang affiliated, or criminally exploited; 42% of all boys and 29% of all girls
- 20% had exploitation concerns identified relating to the charge
- 55% were for GBH, 16% Rape, 13% Murder/Manslaughter, 9% Attempted Murder and 3% Terrorism
- 56% were knife/blade enabled
- Rape charges increased from 8-13% from last year
- 36% of all children charged were under the supervision of a YJS at the time of the incident
- 24% were not known to YJS, nor engaged in support from any other LA service
- 49% had no previous cautions/convictions (92% for children charged with terrorism offences)
- 71% notified for murder were not supervised by a YJS at the time, but were known to other agencies, social care, education, health
- 63% had some kind of previous contact with an LA or CAMHS. Of these 24% were currently engaged - 29% Children in Need; 19% subject of a CP Plan; 27% in LA care; & 23% SEN

- 43% who died whilst under supervision were victims of murder and 19% by suicide
- 96% were boys, and 68% were aged 16-17 years old
- 48% were from ethnic minority backgrounds cf 27% in general 10-17 population, and 17% were from Black backgrounds cf 6%

The report highlights that children involved in serious incidents are often victims of the challenging circumstances in which they live which underscores the urgent need to address their vulnerabilities and exploitation, and to ensure effective early intervention to safeguard them from harm.

## **4. Other issues**

### **4.1 Murder prediction tool** *Media article*

Algorithms are allegedly being used to study data of thousands of people, including victims of crime, as the UK tries to identify those at greatest risk of committing serious violent offences. The scheme was originally called the “homicide prediction project”, but is now “sharing data to improve risk assessment”. The MoJ hopes the project will help boost public safety but campaigners have called it “chilling and dystopian”. It was discovered by the pressure group Statewatch, and some of its workings uncovered through documents obtained through FOI. Statewatch says data from people not convicted of any criminal offence will be used as part of the project, including personal information about self-harm and details relating to domestic abuse. Officials strongly deny this, insisting only data about people with at least one criminal conviction has been used. The project (commissioned by the Rishi Sunak PM’s office) is using crime data from various official sources including Probation and Police. Statewatch said: “Time and again, research shows that algorithmic systems for ‘predicting’ crime are inherently flawed. This latest model, which uses data from our institutionally racist police and Home Office, will reinforce and magnify the structural discrimination underpinning the criminal legal system. Building an automated tool to profile people as violent criminals is deeply wrong, and using such sensitive data on mental health, addiction and disability is highly intrusive and alarming.” The MoJ said: “This project is being conducted for research purposes only. It has been designed using existing data held by HMPPS and police forces on convicted offenders to help us better understand the risk of people on probation going on to commit serious violence. A report will be published in due course.”

### **4.2 Victims**

#### ***Victims of Modern Slavery Briefing by Hibiscus and After Exploitation***

This year marks 10 years since the Modern Slavery Act was introduced, yet many victim/survivors are still being punished by the very systems meant to protect them. Victim/survivors including trafficking, forced labour and sexual exploitation continue to be arrested, imprisoned and deported. They often face arrest for crimes they were forced to commit eg drug offences or theft. Even those not involved in criminal activity during their exploitation face risks eg arrest for sex work. Others are criminalised for actions linked to the same vulnerabilities that led to their exploitation such as poverty, abuse, or insecure immigration status. Between March 2023-June 2024, at least 368 people in prison were identified as victim/survivors of modern slavery, many for offences directly connected to their exploitation. Section 45 of the Act, meant to protect victim/survivors from being prosecuted if they committed a crime under threat or because of their exploitation, is in reality rarely used. Over 100 crimes are excluded from the defence, including many that victim/survivors are commonly forced into such as drug offences, compounded by a lack of training amongst professionals including police, lawyers and judges. Black, minoritised and migrant women are disproportionately targeted by the CJS, with Black women more likely to be arrested than white but less likely to receive victim support. Many were coerced into drug importation due to poverty and exploitation, yet courts rarely recognise this as a mitigating factor. Their experiences show that prisons are not safe or supportive environments for people trying to recover from exploitation.

### **4.3 Voluntary sector** *Clinks annual State of the Sector report.*

This year it set out to gain deeper insight into the persistent challenges organisations have raised year after year. Findings showed that demand for voluntary sector support continues to grow, with people presenting with more complex and urgent needs against a backdrop of declining public services and a rising cost of living. In response, organisations are increasing caseloads, stretching

staff capacity, and making difficult decisions about what they can and cannot sustain. This is not a sustainable way to deliver essential services. Key points include concerns about: Staff burnout and retention of skilled workers when salaries cannot compete with those in the public sector; Vetting for employing people with lived experience; and the precarious nature of funding with short-term funding cycles creating instability, preventing long-term planning (described as “plugging the gaps” left by declining public services), short-term contracts, underfunded commissioning, and a competitive funding environment have left many subsidising public services just to keep them running. Despite these challenges, there is still hope, resilience, and impact. Organisations continue to find ways to deliver high-quality, life-changing support that reduce reoffending, eg employment programmes, women’s diversion schemes, & trauma-informed services. The voluntary sector remains a driving force for rehabilitation and justice reform, but it cannot be expected to do this work alone, nor should it be treated as an afterthought in policy and funding decisions.

#### **4.4 Women offenders**

##### **4.4.1 Women offenders** *Centre for Crime & Justice Studies and the National Women’s Justice Coalition report: Breaking out of the Justice Loop: Creating a CJS that works for women*

This examines why the justice system continues to fail women, and what needs to change. The CJS is designed for men and is not working for women. “Our prisons are full of trauma: over 60% of women have experienced domestic violence and more than half have experienced abuse as a child. They are bad at rehabilitating and deterring women from further offending; instead, they actively harm them and their children. Racially minoritised women are further disadvantaged: overrepresented at every point in the system and more likely than white women to be remanded and receive a sentence in the Crown Court. The human and financial cost of the system’s failure is significant.” The government has created a Women’s Justice Board and its new strategy will reduce the number of women in prison and tackle the root causes of women’s offending by driving early intervention, diversion and alternatives to custody. The report states that this new direction is a cause for celebration, but argues that if the initiative is to work, it is imperative we learn from the lessons of the past in order to avoid making the same mistakes; and look to other models for solutions to deliver a justice system that works for women.

##### **4.4.2 Resetting the approach to women’s imprisonment** *Prison Reform Trust briefing*

Too many women are being remanded to custody, including those who are severely mentally unwell who should be receiving treatment in the community. At end Dec. 2024, 26% were on remand despite almost 90% being assessed as low/medium risk of serious harm to the public, and the fact that most women commit low level, non-violent offences. Many are victims of more serious crimes than those they are accused of committing. Moving beyond the status quo requires bold and creative thinking alongside sustained development and implementation of pre-existing strategies. The government has introduced a new mental health bill, currently making its way through parliament, which includes provisions to remove prisons as a place of safety, stop remanding people for their own protection, and set a time limit for transfers from prison to secure mental health hospitals. If implemented they should have a positive impact on the treatment of women with severe mental health needs. “We know what works to tackle women’s offending. What is needed now is sustained long-term investment and the political will to implement it.”