

Diocese of Worcester

Criminal Justice Affairs Group

Annual Report 2020 - 2021

Foreword by the Bishop of Worcester



'The voice of one crying in the wilderness'.

Those words from the prophet Isaiah came to haunt me as I read this annual report. It makes for very grim and depressing reading indeed. It is hard to argue with one of its concluding remarks: 'The scandal is that there is no scandal'. Covid-19 of course has touched the lives of practically every human being on the planet, but it has not touched everyone in the same way.

Quite rightly our politicians have highlighted the impact on schoolchildren who have fallen maybe a whole year behind (though there is a very lively debate about the cost of measures to remedy this situation). Far, far less attention has been given in the public sphere to those held in prison – including some who are eventually found not guilty. Imagine being locked in a cell for 23 hours a day for months on end. Remember that a high proportion of those detained suffer from mental ill health. Consider what the long-term effects of such

incarceration might be. Wilderness describes the sense of isolation and near abandonment which such treatment must surely engender.

Yet there is a voice. The CJAG articulates very clearly and dispassionately the plight of those in our prisons and on probation. The report is a grim read, but it deserves an audience, and more than that, a participation. And here is a glimmer of hope: the Church Welcome pilot. I hope you will read about it, and also engage with your church to act upon it. Isaiah's cry carries across the desert bringing good news of a Messiah who, when he comes, brings release for captives, not just from their cells, but from the forces of sin which work on every mortal soul. We owe the CJAG a huge debt of gratitude for their prophetic cry: I hope we can repay that debt with action for justice.

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 six years now and this report outlines the activity and achievements over the past year. There has been some movement in membership which continues to reflect all aspects of the criminal justice system from 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 met virtually.

Plans for a conference could not be pursued and the Group's main focus throughout 2020/21 was on monitoring the impact of Covid-19 on the criminal justice system.

As the year ends, the country is just beginning to emerge from its second long lockdown, with places of worship open on a restricted basis and some institutions still sealed off from outside visitors.

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 virus and to mental health problems.

The future is 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. CJAG will therefore be flexible about its future focus next year as it keeps oversight of the whole criminal justice system.

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;*
- **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 (since January 2021);*
- **Keith Stokes-Smith** *Overseas nations/local Diplomatic Corp.;*
- **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 has not been able to connect with other bodies as it usually does due to restricted activity but the following links, either through membership or shared activities, continue to be important:

- 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 & Conference Centre
- YSS Charity
- Police and Crime Commissioner

Events/Activities

Prisons Sunday

CJAG again contributed to the morning service at the Cathedral in October by shaping and leading the readings, hymns and prayers which were written by some prisoners in HMP Hewell. The preacher was Rev Charmian Manship, Chair of CJAG, who spoke of the impact of the lockdown on the criminal justice system particularly on prisoners and their mental health. 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 spent a good proportion of last year considering the rehabilitation of people who have committed offences living in the community, particularly exploring the role of the Church in supporting them effectively. The two key questions explored in a workshop with probation, police and the diocese in 2019 were:

- How can Churches welcome people who have committed offences and support their rehabilitation?

- What are the challenges facing the Church in welcoming high, medium and low risk people who have committed offences (including those subject to a contract, those not, those released from prison and those on a community sentence)

What became clear during further deliberations was that full engagement would be required at local parish level for any model to work and this needed to be developed over time. 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, cannot commence until churches are fully open again so the target start date is not likely to be before October 2021.

The exciting element is that probation now recognises faith as a protective factor against re-offending which means they will 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.

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

Most of the focus for the group last year was to identify and track what was happening in the criminal justice system as a result of the pandemic.

People in prisons had a death rate from Covid-19 more than three times higher than the general population and to the end of March 2021, a total of 190 people under supervision had died – 143 prisoners or children in custody and 47 probation service users. 16,472 prisoners have tested positive for COVID-19 since the start of the pandemic, across 127 establishments.

CJAG became increasingly concerned about the impact on people of government decisions in handling the spread of the virus including on staff, prisoners, families and defendants awaiting court cases. It is disappointing that opportunities were missed to reduce prison numbers despite an initial intention to use a risk assessed early release scheme.

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

CJAG also tracked the impact of the pandemic on the individual criminal justice agencies, and the main issues identified included:

Police

Policing activities previously considered “social behaviour”, such as groups of people congregating in public space, rather than their traditional role in dealing with anti-social behaviour, has been a significant change in role with an expectation from government that unprecedented restrictions on our liberty are enforced. This has affected public confidence & recorded crime levels. 20,000 extra police have been funded & pressure on the system ‘downstream’ is anticipated as policing activity increases, with other agencies not being funded similarly



Courts

Courts have been underfunded over the last decade, so the impact of the pandemic has been serious, hampered by not having embraced the use of technology as much as other elements of the CJS. To absorb financial cuts, judges’ sitting days have been reduced and legal aid criteria tightened.

The backlog in all courts is estimated to be over half a million cases with Crown Courts listing some trials in 2023

There are delays of up to four years between an alleged offence and a criminal trial, placing the lives of defendants, victims and witnesses in limbo.

The extension of custody time limits with people awaiting trial for up to 18 months and the rising number of remand prisoners who have now been imprisoned beyond the maximum tariff of the alleged offence. There is no compensation if they are found not guilty.

There is evidence that the use of virtual courts results in defendants being less likely to have a defence solicitor, and are more likely to plead guilty and to receive a custodial sentence.



Prisons

Short scrutiny inspections concluded that prisons have generally done a good job in preventing the spread of Covid-19 but at a tremendous cost to prisoners who are in their cell almost all day every day. Prison Inspectors were impressed by the way that prison managers, staff and prisoners had adapted to the challenges presented.

Prison population

- Overall numbers have fallen (78,741 in November) due to lack of court activity.
- At the start of the first lockdown early release was triggered for 4000 eligible prisoners but only 33 were released before the scheme was suspended
- A rise is predicted as the number of investigations and prosecutions increase amid the hiring of 20,000 more police officers
- £4bn has been found to build 18,000 new prison spaces (for the projected increase, not replacement) plus plans to create 500 new prison places for women
- Remands are 28% higher with many held beyond the legal time limit awaiting trials
- Recalls have increased particularly for those previously sentenced to the now abandoned sentence of Imprisonment for Public Protection (IPP)

Covid-related Restrictions

- No face-to-face family visits, classroom education, programmes or religious services
- Removal of visits have been compensated by in cell phones (far outstripped by demand), and video conferencing between prisoners and their families (by less than a quarter of prisons)
- Cramped/unsanitary conditions have made social distancing impossible for many
- Loss of prisoners’ rights
- Very little contact by offender managers

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

Impact on prisoners

The cumulative impact of lockdown on prisoners' mental and physical health and wellbeing and their chances of progression and rehabilitation is damaging. The Chief Inspector of Prisons commented that:

"it is dangerous to keep prisoners locked up for 23 hours per day for months on end. There will be profound consequences for individuals' mental health. The situation is unsustainable and stops prisoners being able to develop the skills they need to resettle successfully".

At present all Parole Board hearings are held remotely and are constantly set back with prisoners unable to demonstrate progress because of no interventions in prison.

Mental health, social isolation and hopelessness feature strongly (70% of prisoners surveyed at HMP Hewell reported mental health problems). The government's view is that the restrictions have saved the lives of staff, prisoners and children in custody, and protected the NHS.

Probation

The landscape of probation service delivery dramatically changed with people being supervised remotely, mainly by phone and defaulting to welfare checks. Serious offenders have been managed through doorstep interviews as a basic form of surveillance.

Re-nationalising the probation service & reversing the changes made during the discredited 'Transforming Rehabilitation' programme means major changes are being made yet again.

Staff shortages have meant high caseloads.

The very limited opportunities for probation officers to do their usual work on addressing offending behaviour, for example in programmes, or supporting change more broadly, has impacted on the long-term rehabilitation of those being supervised.

Few supporting services have been available to address offending related factors

A number of prisoners are being released with no accommodation, including those deemed to be high risk.

Those in Approved Premises have been confined for 23 hours a day, making the experience more like home detention.

Lawyers

Many defence solicitors were furloughed when courts closed, and the number remaining in practice is decreasing fast which will itself impact negatively on the system

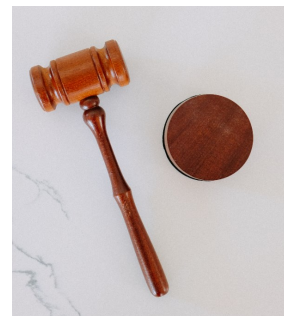
More defendants are unrepresented, including in quite serious cases, as a result of legal aid entitlement thresholds not being increased in line with inflation

The Legal Aid Agency cut its "standard monthly payments" to criminal law firms to protect cashflows which is leading to redundancies and firms shutting down. Without government support, criminal defence firms may not be there when justice is needed in the future, leaving victims in limbo and the accused potentially deprived of a fair trial

Solicitors now interview clients remotely and find it impossible to see prisoners in time to take their instructions

Extra funding has recently been provided to boost the numbers of police and prosecutors, but no equivalent resources have been granted to defence advocates

Under-funding risks miscarriages of justice.



Young Offenders

Inspectors of young offender institutions concluded that Covid-19 was used as an 'excuse' to lock up arrivals as young as 15 in their rooms for 23.5 hours, allowing them out for just 30 minutes a day.

One 16 year old was locked up for 23 hours a day for five months and when released on bail to specialist support accommodation became unable to leave his room due to what he described as a strange lethargy.

Young offenders have been hit especially hard by restrictions (such as no education, visits, programmes or gym) which have particularly impacted on their their mental health.

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.

Very real concerns continue about the impact and future of the CJS and the apparent lack of awareness that changes made in one area can potentially de-stabilise the whole system.

The government's focus during the pandemic has been on protecting the public and keeping the number of prisoner deaths as low as possible, and the response from the MoJ when challenged on a number of issues was bland.

It was clear that efficient and effective operation of the CJS did not seem 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.

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
- 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
- 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?

Imprisonment for Public Protection prisoners (In addition to the ongoing impact of Covid-19 and overseeing the Church Welcome Project, continuing areas of interest for CJAG during the next year will include:

- The link between crime and poverty
- Equality of access in the criminal justice system to those from black and minority ethnic communities
- Domestic abuse particularly in respect of coercive control
- Imprisonment for Public Protection prisoners (IPPs)
- Community Chaplaincy / mentoring schemes
- 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 main area of interest will be on continuing to track the impact of Covid-19 on the CJS and considering how we can be most effective in advising the Diocese, raising public awareness, and influencing thinking/policy where relevant.

The Group would like to explore the learning from the pandemic in respect of communication, use of technology and new ways of working that have emerged in both the CJS and Churches.

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 in the community as and when this is implemented.

Activities and achievements for 2021/22 will be reported at the end of the year.

Conclusion

The past year was challenging and CJAG moved to 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 this was sorely stretched over the year. 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.

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 key question is "What does it take for this to be taken seriously and for change to happen?"

As has been said, "the scandal is that there is no scandal" and CJAG will work to raise awareness of ongoing problems in the criminal justice system. We thank all those who have worked with us to pursue this.