

Criminal Justice System items to note

Meeting on 28.1.25

1. The year ahead

Russell Webster's overview

It is clear that this is a critical year for criminal justice and that the key to getting the system back on a more stable footing will be reducing demand. Currently, the fact that all parts of the system are under pressure results in a vicious circle of plummeting performance. The Court backlogs result in more people in prison on remand. The emergency response to tackle this – early release measures – lead to heaping more pressure on the probation service. Probation officers have less time and resources to help those on supervision which leads to more offending which adds to the court backlogs. In reality, we cannot expect to see the key indicators improve much in 2025, but if we see a stabilisation and increased recruitment (of prison and probation officers and legal representatives), we may start to have more hope for the rest of the decade.

2. CJS agencies

2.1 Courts

2.1.1 Criminal Courts Review

The new Government is looking to overhaul the whole of the CJS. In addition to the sentencing review, the MoJ announced an Independent Review of the Criminal Courts to be carried out by Sir Brian Leveson, Former President of the Queen's Bench Division. The scope of the review includes:

- Longer-term options for criminal court reform to reduce demand on the Crown Court by retaining more cases in the lower courts eg the reclassification of offences from triable-either-way to summary only, consideration of magistrates' sentencing powers, and the introduction of an Intermediate Court
- The efficiency & timeliness of processes from charge to conviction/acquittal eg consideration of how new technologies, including AI, could be used to improve the criminal courts

The review is also charged with making any other recommendations to tackle the outstanding caseload and is urged to learn from best practice in other countries. The proposed timetable for the review which is relatively rapid for such a comprehensive piece of work, requires a report on options for long-term reform by "late Spring" 2025, and findings on court efficiency by Autumn 2025.

2.1.2 Court backlogs *Guardian investigation into the state of the courts system*

Some of the 17,000 prisoners on remand had waited nearly 5 yrs for their cases to come to court, and inmates waiting lengthy periods for a trial were changing their pleas to guilty after being advised it would mean they could leave jail immediately. There are warnings that the backlog in crown courts could hit 100,000 without radical action. 1 in 5 prisoners are now on remand awaiting trial, a rise of 87% since 2019, and stands at a record high. Those who are eventually found guilty normally have their remand time deducted from their sentence but those found not guilty get no compensation unless their case has been seriously mishandled. A large remand population produces "huge pressure" on the prison system and on the prisoners. Even if they are found not guilty, they are more likely to return to prison because they are not offered the resettlement services given to convicted prisoners. The government is urged to extend the sitting hours of courts to get through the case backlog. "Courts sit, in most cases, for eight hours a day. Well, why is that? We have buildings lying empty for 16 hours a day that could be, with the right resourcing, processing cases." Court case delays also mean there is less time for probation officers to prepare for the release of prisoners, who are therefore more likely to breach the terms of their licence. The MoJ said the Labour government "inherited a CJS in crisis with a record courts backlog meaning people are spending far too long awaiting trial in dangerous and overcrowded prisons. We have already taken urgent action to save the prison system from the point of collapse & taken initial measures to address the remand population, doubling magistrates' sentencing powers to ease the pressure on our jails and deliver swifter justice for victims."

2.1.3 Court sitting days

The Lord Chancellor has announced that courts can now sit up to 108,500 days this year, the highest figure in nearly 10 years ie an extra 2,000 Crown Court sitting days. The backlog has been growing significantly since the pandemic and currently stands at over 73,000, delaying perpetrators having their day in court & victims getting justice. This is seen as an interim measure whilst awaiting the outcome of the Leveson courts review. In addition, fees for criminal legal aid work in police stations and youth courts have been increased by £24m, and the government also announced its intention to consult on an increase to civil legal aid fees for housing and immigration cases

2.1.4. Specialist rape courts

The government appears to have stalled on plans to set up dozens of specialist rape courts to deal with a huge backlog of cases, amid warnings there are not enough lawyers to make the proposals work. This will be folded instead into the wider Leveson review of courts policy. In its manifesto, Labour said specifically it would “fast-track rape cases through specialist courts at every crown court location”, suggesting it was an urgent priority and a key element of its commitment to tackle violence against women and girls. The legal profession was always sceptical, saying that the lack of lawyers prepared to take on such complex and often relatively poorly paid cases was the more fundamental challenge in addressing the backlog, which has caused 60% of rape victims to drop out even before trials begin. Between 2019-23 there was a 346% increase in the number of adult rape cases backlog, leading to claims that rape was in effect being “decriminalised”. Just 2.6% of rape cases result in a charge.

2.2 Prisons

2.2.1 10-year prison capacity strategy MoJ publication

This stated the intention to build 14,000 more prison places by 2031. The strategy presents a reasonably detailed plan, setting out where they will be built & by when, and contains a commitment to securing new planning powers that will allow for greater flexibility should new land be required for future prison sites. The Government is hoping to reduce demand on the prison system to a limited extent by its Sentencing Review and by expanding the “range and use of punishment outside of prison, drawing more heavily on existing and emerging technology to curtail freedom outside of prison.” The cost is estimated at between £9.4 - £10.1b cf the original estimate of £5.2b in 2021. There are four main components to the programme:

- *New prisons* (6,500 new places) designed to help positively impact prisoner rehabilitation
- *New houseblocks* Adding extra houseblocks to existing prisons (around 6,400 places)
- *Rapid Deployment Cells* These are modular, self-contained units with a 15-year lifespan placed in existing Cats C & D and women’s estate prison grounds. 800 across 14 sites have been delivered and around 1,000 more are planned. The units give prisons the opportunity to further support prisoners in their transition from closed to open conditions by encouraging independent living
- *Refurbishments* The MoJ will continue to refurbish residential units, facilities and ancillaries

The strategy also makes a number of other commitments eg to invest money to keep prisons safe and secure including fire safety work, and improving IT capacity to provide a new set of modern digital services replacing the outdated legacy system that staff use to manage and record data on offenders. This will automate manual processes and improve data-driven decision-making by connecting data across systems. While the prison reform sector acknowledge the dilapidated state of many of our prisons, there is concern that building more prisons will simply result in even more people being imprisoned.

2.2.2 Assaults on prison officers Observer article

More than 1/3 of investigations into assaults against prison staff are dropped before the end of the process. Staff say reports of abuse by inmates are not taken seriously by management, leaving them feeling vulnerable and there was “no point” in starting disciplinary actions because their cases could be thrown out. When they did report an incident, they said it created even more conflict with the prisoner, who felt emboldened to continue abusing them. A national POA representative said prison managers are increasingly reluctant to discipline inmates because of the large backlog of

cases, and this makes it look like there is less violence in the prison. 13.4% of prison officers leave each year and assaults against staff have almost tripled since 2005. Sexual assaults on prison officers since 2005 have increased by 427%. The MoJ commented: "This government inherited a prison system plagued by violence and overcrowding and is committed to reforming it to protect staff and cut crime. All assaults on staff are taken extremely seriously and are dealt with either through the adjudication process or through reporting to the police so that those responsible are punished."

2.2.3 Early release

26% of prisoners eligible for early release from Scottish prisons were blocked from leaving, after governors ruled that they posed a danger to themselves or others. This highlights the impact of the decision to give governors a veto on early releases. A Scottish Government spokesperson said: "The veto was informed by risk, based on relevant information from other justice partners, including Police Scotland and social work, and was in line with our estimate". In the SDS40 early release scheme in England and Wales there is no governor veto, raising concerns that many of those let out will swiftly be recalled to prison. In one case, a man granted early release with just 3 days' notice left jail without support in place and ended up back in prison within 12 hours.

2.2.4 Drones Guardian article

The HMIP chief inspector said guns could be delivered by drones into jails already riven by drug-related gang wars amid an "inadequate" response from the prison service. The surge in their use was his "number one concern" and had increased the possibility that firearms would be used to settle turf wars or attempt to escape. The number of drone incidents rose tenfold since 2020 to 1,063 incursions last year. Concerns had been heightened after inspectors found drones in constant use at HMP Manchester. The more sophisticated drones, worth several thousand pounds, are about a metre wide, equipped with thermal imaging, and can carry up to 7kg of illicit goods under the cover of darkness. Laws introduced in January made it a criminal offence to fly drones within 400 metres of any closed prison or YOI. Some prisons have introduced counter-drone technology to detect when they are nearby but few, if any, are thought to actively block the devices from approaching. Experienced pilots are being hired by organised drug gangs to fly drugs into prisons, usually at night. "Unfortunately, the current response from the Prison Service to this threat is inadequate. Prisons need better physical security in place – robust netting, secure windows, more perimeter patrols, technology and CCTV that's fit for purpose. But, ultimately, it's about reducing the demand for drugs and other illicit items in prisons – providing purposeful activity". The MoJ was asked if the government was developing technology to stop drones and if there were plans to expand the use of counter-drone technology to detect them and said: "We have a zero-tolerance approach on contraband and are working with the police to deter, detect and disrupt the growing illegal use of drones around prisons. There are restricted fly zones for drones around all closed prisons and anyone found guilty of bringing contraband into a prison will be punished."

2.2.5 Overcrowding article by Rob Allen

Much of the focus on prison reform in recent months has been on managing burgeoning demand for places. The newly formed Justice Select Committee started their examination of Prisons Minister Lord Timpson by asking how long the space freed up by the early release scheme might last. The answer is next Autumn or maybe a bit longer. That's hoped to be enough time to create longer term sustainability in the system by putting in place whatever legislative changes are recommended by the Sentencing Review - but is that realistic? Even if the report is produced in the Spring, the proposals are likely to be controversial. Getting them on to the statute book and then implemented could easily take another year. The MoJ plans a change to the process of recalling released prisoners to jail in April and extending to a year the period of release on an HDC for eligible prisoners, from June. Progress is being made to provide new prison places & planning delays are being addressed. On the downside, 100 projects in courts and prisons were affected when construction company ISG filed for administration in September and there are significant shortcomings in the physical condition of the existing estate and the financial cost of the backlog

of maintenance. There are still 23,000 cells which require fire safety upgrades and eight sites were confirmed as containing RAAC.

2.2.6 The human cost of Prison conditions *IMB report*

This provides a stark picture of the human cost of a crumbling prison estate. Prisoners routinely live in conditions that can only be described as appalling. Flooded corridors, cramped filthy cells, leaks of raw sewage, and rat and insect infestations in kitchens, showers and on wings – these are the environments in which prisoners are expected to be reformed and rehabilitated. At HMP Long Lartin (among others), broken or outdated windows made it easier for drones to bring drugs and weapons into the prison. The report was keen to clarify that this dismal custodial environment is not restricted to older buildings: “While much of the public discourse around prison maintenance has centred on prisons built in the Victorian era, the need for investment extends well beyond these facilities. You only have to step into some prisons before being struck by the urgent need for significant investment. The problem, however, is not only the lack of funding, but also the inefficient spending of what little money there is, and the lack of autonomy afforded to Governors to implement solutions. Prisoners are enduring appalling conditions across the board, yet they often lack the motivation to submit complaints, as the dire state of things has become normalised for those most affected. Whether they are eating, working, sleeping, or receiving medical care, the shocking level of neglect reported and the impact of this on those living in these conditions, cannot be ignored.”

2.2.7 Inquest outcome *Inside Time report*

A prisoner died in May 2022, 6 days after he had been remanded to HMP Pentonville. An inquest found that neglect in prison contributed to his death and the coroner issued a prevention of future deaths notice. Aged 43, he was found unresponsive in a cell on the prison healthcare unit, 10 hours following restraint after complaining about the condition of his cell. He had sickle cell disease, epilepsy, and delusional disorder for which he was taking medication. He was moved to a segregated cell and subject to a forcible strip search which involved his clothes being cut off and being left naked for 7 hrs. The restraint had resulted in acute chest syndrome, complicated by sickle cell disease. On arrival at the inpatient unit, he told staff he could not breathe but it was around 3 hours later that staff became concerned, and he was pronounced dead that night. The nurse responsible for monitoring his physical health during and after the restraint failed to address the worsening of his condition, in particular she did not take vital observations which would have confirmed that the restraint had triggered a sickle cell crisis. The findings also concluded that the initial use of force was not justified, and his request to see a doctor was not properly followed up. The Prison Service said: “Following his death, we have improved training for prison staff around the use of force & segregation to ensure that prisoners and prison staff are kept safe. We will respond to the Prevention of Future Deaths report in due course.”

2.2.8 Health care *Health Services Safety Investigation Body report*

This looked into the difficulties prisoners can face when they leave jail to see a GP or visit a hospital. A female inmate remained handcuffed to a male prison officer while she had a mammogram, an example of prisoners being denied their dignity while receiving NHS care. It found that some inmates are put on a long chain, with the prison officer guard staying just outside the room, while others are made to wait in cupboards for their appointments to avoid raising anxiety with other patients. A government spokesperson said the report’s findings were “deeply concerning”, especially for female inmates. The prospect that prisoners will not have the same dignity and privacy during NHS appointments as other patients is a key reason why 43% of males & 48% of females (cf 26% in the general population) do not attend their appointments. The government response was: “We are committed to improving care for every patient, including better addressing the specific needs of female prisoners and will work with NHS England to respond in due course.”

2.2.9 Prison Officer role *Prison Reform Trust report*

This calls for the radical transformation of the prison officer role & notes that sentencing changes over the last two decades guarantee that they will in future be caring for people spending a much larger portion of their lives in custody. In this radically altered context, the prison service faces a

more profound question about the composition of its future workforce than simply whether it can recruit and retain enough people. Being a good prison officer is a much more sophisticated and skilful job than the prison service currently reflects in its critical HR processes. If it is to recruit and retain a workforce that can rise to the multiple challenges, it must develop a new and explicit vision for the role of the prison officer and the support provided. The report highlights four key findings:

- The current PO workforce faces unprecedented challenges due to staffing cuts from 2012, leading to a significant loss of experienced staff, and rapid recruitment of new staff
- The traditional model of prison management, based on face-to-face relationships, is at risk of being lost due to high staff turnover and systemic pressures
- Prisoners consistently identified building rapport as the most crucial skill for effective POs
- Technology could potentially reduce some burdens on officers, allowing more time for relationship-building with prisoners

Recommendations include:

- A professional registration system with regular renewal and ongoing professional devnt
- Enhanced training, professional devnt, and supervision for prison officers
- Improved management structure with a maximum ratio of one manager to 10 officers, and regular face-to-face observation of officer-prisoner interactions
- Prisoner involvement in the design & delivery of officer training and devnt programmes
- Board-level accountability by appointing an HR professional at board level with specific responsibility for implementing these reforms

“The starting point for a genuinely strategic approach to creating and sustaining an effective officer workforce must be a clearer statement of the purpose of prison that both staff and prisoners can share. The prison service must decide what its operating model for the future is to be, properly examining the nature of the population for which it will be caring. The foundation for the great majority of a way of life in prison should be the joint creation of safe, respectful and purposeful communities.”

2.2.10 Use of open prisons for more offenders *Observer article*

The government is considering relaxing the restrictions on inmates who can be sent to open prisons, despite warnings that the move could increase violence, drug abuse and the potential for riots. Under an unannounced policy first introduced by the Conservatives and expanded by Labour, officials have already been accelerating moves from closed to open prisons to ease overcrowding. Over 140 criminals absconded from them in 2 years, and insiders say more walked out over the Christmas period. Official guidance states that even if inmates tell prison officers they will abscond if transferred, the move cannot be stopped unless there is “evidence or reasonable grounds to conclude that they are not empty threats”. The government is considering making the temporary policy, which began on a restricted basis in March 2023 and was expanded in November, permanent. It is also looking at separate rule changes that would allow inmates to be held in open conditions up to 5 years before their release, rather than the current 3. David Gauke, leading the sentencing review, has backed the use of open prisons to save money and reduce reoffending. The scheme allows inmates to be sent to open prisons after just 2 weeks in a secure jail. Violent offenders are only excluded if they are serving individual sentences of >4yrs, meaning someone jailed for two violent crimes for 3 years each would be eligible. The programme is separate from Labour’s early release scheme. The Prison Governors’ Association said the risk is increasing because inmates are being transferred against their will to open prisons a long way from family and friends. While the government has said open prisons are effective at rehabilitating inmates and reducing the risk they pose, strategy only works if “we’re sending the right people there. The current policy has got nothing to do with rehabilitation – this has got everything to do with freeing up space”. The MoJ said: “The new government inherited a prison system on the point of collapse. We have taken the necessary action to stop our prisons from overflowing and to protect the public. Only less serious offenders who meet strict criteria are eligible for moves to open conditions. Anyone who can’t be managed safely in a Cat D prison can be excluded. Those who abscond face serious consequences, including being returned to closed conditions and serving an additional 2 yrs.”

2.2.11 Unannounced Inspection of HMP Long Lartin *Extract from report November 2024*

The Chief Inspector stated “The fact that a category A prison, with all of its resources, continued to be rated as not ‘sufficiently good’ for safety, is a serious indictment of the high secure estate directorate. If prisoners, staff and ultimately the public are to be kept safe, there will need to be considerable investment from the prison service to deal with the security issues we raise in this report. While the experienced governor has made some reasonable progress, this is a jail of concern to which inspectors will return soon”. 14 key concerns were identified, five of which should be treated as priorities:

- Leaders had not done enough to understand and respond to the drivers of violence, which was too high and on an upward trend
- Large quantities of drugs and other illicit items were entering the prison, especially on drones. Physical security and counter measures were not robust enough, and neither national nor local leaders had addressed this longstanding problem with sufficient urgency
- The ‘night sanitation’ electronic rotational unlock system led to unhygienic conditions, and created opportunities for illicit activity and bullying
- Many wings were dirty and shabby, and large amounts of rubbish were allowed to accumulate around the prison
- A significant proportion of the industries curriculum lacked ambition. Many prisoners completed mundane work, with little planning to help them develop new skills or move into more challenging job roles during generally long prison sentences.

One of two examples of notable positive practice was “the well-staffed chaplaincy for its unity of purpose and its reach into the prison community. Chaplains worked together closely to model and foster good relations between all faith groups in the establishment...This owed much to the experienced managing chaplain, who led the team with confidence and sensitivity. There was a full range of worship events and sessions for teaching and discussion for all the faiths represented in the prison, although there were currently vacancies for two smaller faith groups. There was good involvement of volunteers from outside faith communities...Serious water damage leaking through ceilings in parts of the chaplaincy had been getting slowly worse since 2013. Some prisoners & staff felt it conveyed an institutional lack of concern for the importance attached to the worship spaces”.

2.3 Probation

2.3.1 Serious Further Offences *HMIP annual report*

SFOs are specific violent and sexual offences committed by people who were, or had very recently been, under probation supervision at the time of the offence. Each year there are usually around 500 but in 2023/2024 this increased by 33% to 770. Of those charged, between 50-60% are likely to be convicted, with the remaining cases either being convicted of a less serious offence, acquitted or the charges are dropped. The SFO review is intended to provide rigorous scrutiny that should:

- assure the public of the probation service’s commitment to reviewing practice and identifying areas for improvement
- provide victims and their families with detailed information on how the person was supervised, and what action has been taken
- provide ministers, and others within HMPPS and the MOJ, with information as required, particularly if the case is identified as high profile

Inspectors quality assured 87 SFO reviews this year, rating 46% as ‘Good’, but 52% as ‘Requires improvement’, & emphasised the need for SFO teams to be sufficiently resourced and experienced, more effective management oversight, and improved centralised training. Staff views raised recurring concerns about the policy framework, how it is applied, and its outcomes and impact; the level of support provided to those involved with concerns about a ‘culture of blame’ existing within HMPPS; and an emphasis on individual accountability and a failure to acknowledge and address wider and procedural systemic issues. The Chief Inspector commented: “The probation service manages a large and complex caseload in the community. By its very nature, risk is inherent in that work and can never be eliminated. Against that backdrop, the number of SFOs committed each year remain low as a proportion of the overall workload, but the impact of serious further offences on victims and their families cannot be underestimated, and they are an important

opportunity for learning. So, it is disappointing we have continued to see a reduction in the number of SFO reviews that meet the required standard. More work is needed to develop and support reviewing managers, alongside more transparency and the sharing of high-quality data and effective practice across regions to support a collective developmental approach.”

2.3.2 Unpaid Work MoJ process evaluation

This was designed to assess what works in the delivery of unpaid work following the unification of the probation service and the £93m investment following the pandemic. Since reunification, there has been significant focus on getting the number of hours delivered back to pre-pandemic levels. These efforts led to a sharp rise reaching 4.7m in 2023/24. Findings included:

- Overall, staff were confident that UPW was meeting its punishment aims and also thought that it met reparative aims by ensuring that work carried out benefits the wider community
- People on probation identified relationships with supervisors as an important factor that affected their experience. Meaningful projects could increase compliance by encouraging them to return to projects they believed had value including the opportunity to learn new skills which could lead to employment
- Many had communication issues with probation practitioners, making completing hours difficult, and it was commonly felt that wearing high-visibility vests, with unpaid work branding, caused them to experience unnecessary stigma & shame which could have negative impacts on their mental health. People on probation and supervisors thought, in particularly public areas, having to wear them could impact compliance
- Poor enforcement was described as a key barrier to compliance, with UPW staff blaming under-prioritisation and disjointed communication
- Members of the judiciary believed UPW served its purpose as a punishment with the opportunity to rehabilitate. However, most judges could not comment on the ‘true’ effectiveness of its delivery as they have no information on the journey of people on probation unless they return to court. Judges were not enthusiastic about the use of ETE within UPW, with some suggesting it risks overlapping with rehabilitative activity requirements, and ETE takes away from the punitive intentions of the sentence

In conclusion, despite UPW commonly being referred to as “the face of probation”, staff still perceive it as the “poor relation” in the probation service, as it continues to be under-prioritised compared to other requirements. Additionally, the role of UPW supervisors was perceived to be undervalued by probation practitioners. The data suggests a massive improvement in the number of unpaid hours delivered but there are no clear conclusions about the current quality of unpaid work. This is disappointing since the MoJ rarely promotes any work done by the probation service other than UPW which, as staff said, remains very much the Cinderella of the service.

2.3.3 Recruitment, training & retention HMIP thematic report

This reported on how effective current recruitment, training, and retention arrangements are in supporting the Probation Service to build a stable, capable staff group. Staffing challenges have been a consistent theme of inspection reports for many years, and the implementation of SDS40 in July 2024 and the Government’s ongoing sentencing review have highlighted the need for the Service to maintain a sufficient, well-trained staff base to meet increasing demand. Its headline finding is that the current pressures on new probation staff means that many choose to leave the service making it extremely difficult to return to full staffing levels. The main points are:

- *Recruitment* While probation service recruitment “has been undertaken at pace, there remains a significant shortage on the front-line, which is exacerbated by the high numbers of experienced staff leaving the service.” New recruits were not always joining the service with realistic expectations about their roles and concerns were expressed by managers that a minority of new staff lacked resilience and had not fully anticipated the demand of the role
- *Training* The delivery of PO training needs a more coordinated approach, as learners are receiving conflicting messages about whether they should prioritise the academic component or the practical training. Adequate support and development time are essential to ensuring newly qualified officers can transition into, and remain in, demanding PO roles. There is an overreliance on virtual training methods, as the training to deliver the relational skills to equip

them to work with challenging individuals is not suited to be carried out online. Protected study/training days were being interrupted by operational demands

- **Retention** The overall annual leaving rate for Probation Service staff was 10.4% (POs 7.8%, and PSOs 12.1%). Poor pay is frequently described as a frustration, but not often the sole reason staff leave. High workloads and stress were the strongest messages from frontline staff. Many commented that although they felt pride in their work, the current strains on the Service undermined the probation mission and values.

The Chief Inspector said: “While the level of recruitment into the service is commendable and necessary, recruitment at this scale has placed considerable demand on existing resources and has further depleted the pool of experienced practitioners, as staff have been moved into management positions to support and train new staff. Probation training is fast and intense, and it is crucial new recruits are firstly aware of the demands of the job and are then given time to hone their skills before taking on full caseloads. The current pressures on new staff are overwhelming and counterproductive to building a fully staffed, experienced, probation service in the long-term.”

2.4 Youth Justice

2.4.1 Youth custody experience *HMIP annual Children in Custody report*

This analyses the perceptions of 12-18 year olds of their experiences in STCs and YOIs. The review found that children spent the majority of their time locked in their cells, with little done to address their offending. When they were able to mix with other children on the wings, this was often marred by conflict and violence. Inspectors reported a backdrop of decline which has severely affected children’s custody during the year, with inspectors judging that only Parc YOI was safe and that no YOIs were providing adequate education. Only half felt cared for by staff, and half of frontline staff reported suffering from low morale and fears for their personal safety. This, coupled with staffing shortfalls, meant many YOIs were unable to deliver a consistent approach to behaviour management, leading to a vicious cycle of increased levels of violence and disorder, which meant children had less time out of their cells fuelling further frustration. 15% felt unsafe (7% in 2022-23). While girls made up a tiny minority of children in custody (11 of 519 boys in March 2024) they accounted for the majority of self-harm occurring in the children’s estate. Frontline staff told inspectors of their concern for girls in their custody, with one saying their YOI wasn’t suitable for girls and was being used as a “dumping ground” for vulnerable young people. The Minister for Youth Justice has commissioned an independent review into the placement of girls in the CYP’s secure estate which will report back in 3 months. The Chief Inspector of Prisons commented: “These reports are stark reminders of the scale of the problems in youth custody. What should be an opportunity for children, many of whom have lived chaotic lives, to make up for lost time by gaining qualifications and addressing the underlying causes of their offending. None of this is possible while a child is locked behind a cell door. Leaders in the youth custody service must focus on getting the basics right, prioritising a consistent and motivational approach to behaviour management and giving staff enough time and support to build effective relationships with the children in their care.”

2.4.2 Detention and Training Orders *Article on the use of custody for children*

DTOs are the most frequently used custodial order for children, generally aimed at non-serious offending as they are short (between 4-24 months & children are generally released into community supervision at the halfway stage) and can be used from the very young age of 12. However, there was damaging over-use initially (3200 in October 2002) with the latest figures showing an average of 440 children in custody at any one time. However, this drop masks the fact that the proportion of children being given immediate custody in court has remained stubbornly stagnant at 5-7%, suggesting that this reduction merely reflects more general falls in YJ involvement for children rather than a concerted effort towards their decarceration in line with the UNCRC. Other nations are already well ahead of England and Wales in decarceration for children, without experiencing a feared spike in serious childhood offending. Most recently, Scotland has announced itself as a zero-custody nation for children, with a decree that no more under-18s will be sent to YOI. Examples demonstrate that decarceration towards ‘last resort’ for children is an international project, and one that is long overdue in England and Wales.

2.4.3 YOI placements *Guardian article*

The proportion of young people being detained in YOIs more than 100 miles from their home has doubled over the last decade to 15%. More than 1 in 10 are being held at least 75 miles from their families, with only 17% of the 530 young people in custody remotely close to their homes in October (lowest on record). The trend has worsened despite years of official warnings about its damaging impact on children from a series of bodies including Ofsted and HMIP. The National Association for Youth Justice described the figures as “another example of social injustice to the most vulnerable children and families in our country”, and a sign of the government failing to uphold its legal duty to maintain family relationships to those in custody, enshrined in the Children Act 1989. The children’s commissioner has called for the speeding up of the previous government’s plan to replace all YOIs with smaller secure homes around the country, closer to children’s families: “Children in the YJS need stable, positive relationships in their lives, if we are serious about offering them a real chance for rehabilitation. Placing them many miles away from their families and homes, often in facilities where standards of care and safety fall woefully short, does not create the conditions for these children to become happy and successful adults.” The MoJ’s response was: “The number of children in custody has significantly fallen with only those charged with the most serious offences now going to custody. While this dramatic reduction is positive it means there are now fewer youth custody sites for the 440 children remaining. Decisions about where to place children are carefully made on an individual basis considering their risks and needs, and maintaining children’s ties with their family, wherever they are placed, is a priority.”

3. Other issues

3.1 Use of artificial intelligence

The US spy tech company Palantir has been in talks with the MoJ about using its technology to calculate prisoners’ “reoffending risks” and has also been lobbying new UK government ministers. Amnesty International is among the organisations expressing concern about the expanding role Palantir is attempting to carve out after it was controversially awarded a multimillion-pound contract with the NHS last year. The discussions, started under the Conservative government, have included proposals to analyse prison capacity, and to use data held by the state to understand reoffending trends. This would be based on aggregating data to identify and act on trends, factoring in drivers such as income or addiction problems. Amnesty International says: “It’s deeply worrying that Palantir is trying to seduce the new government into a so-called brave new world where public services may be run by unaccountable bots at the expense of our rights. Labour faces the serious challenge of ensuring digital technologies are used in line with human rights, including protecting people’s privacy, right to equality, non-discrimination and data protection. Ministers need to push back against any use of AI in the CJ, prison and welfare systems that could lead to people being discriminated against, unfairly targeted and other miscarriages of justice. The Post Office scandal is a stark warning of what can happen when digital technologies are considered infallible.”

3.2 Views of the police by victims of rape *Survey results*

Rape victims have echoed the message of Gisèle Pelicot in France that “shame belongs to perpetrators, not them”, in the largest ever survey of rape and sexual assault survivors. Three-quarters said their mental health was damaged “as a direct result of what police did, or failed to do, in their case” and only four in 10 said they would report again. But a radical overhaul of the way the CJS deals with rape since 2021 is showing the first “green shoots” of improving victims’ experience, with respondents 8% less likely to report damage to their mental health because of the police. Only 2 in 5 agreed that policing is doing a good job while 1 in 5 said they have been pressured by officers to withdraw, with black and minority ethnic survivors having worse experiences than white respondents. The survey showed “good police responses are possible” but exposed that “some officers are still only covering the basics. Disadvantage, discrimination, and contextual incompetence are still being felt”. The survey also reveals that securing a conviction was less important to victims than stopping perpetrators and making them realise their actions were wrong. The director of the End Violence Against Women Coalition, said: “What makes all the difference to survivors is being treated with empathy, kindness and dignity and where this happens,

it can have a really positive impact on their wellbeing and recovery.” Jess Phillips, the minister for safeguarding and violence against women and girls, said the findings of the survey were “stark” and showed the police response “still isn’t good enough”. She added: “We are committed to using these insights to deliver lasting improvements in policing moving forwards, part of our wider mission to halve violence against women and girls in a decade.”

3.3 Knowledge and attitudes to imprisonment *A Survey of Public Knowledge and Attitudes*

Findings included:

- 63% said they knew “not very much” about prisons and 10% knew nothing at all
- 36% cited the national media as their main source of information, & 15% said films and television. Social media was cited as the principal source of information by only 5%
- Most over-estimated the percentage of female prisoners (4.1%) – 53% said in excess of 30%
- More than seven out of 10 estimated a re-offending rate for all prisoners of 40% or more. Almost half estimated the rate to be 60% or greater; in reality it is 37%
- 42% felt that removing offenders from society was the main rationale for imprisonment
- 49% thought conditions were too easy, with just 8% saying they were too harsh
- The public appear to have little confidence in the effectiveness of imprisonment to achieve either punishment (53%) or rehabilitation (73%)

The report concludes that Louis Blom-Cooper’s famous 1976 remains true: “Although prisons are sited in the centres of dense urban populations, prisoners are out of sight and out of the mind of the public”. They urge the Government to make a greater effort to provide the public with the information necessary to make informed judgements about sentencing practices

3.4 Women offenders

3.4.1 Women and the justice system *horizon scanning report from the Parliamentary Office of Science and Technology*

This reflects two of the new Government’s key priorities – tackling violence against women and girls (VAWG) and getting the CJS to work effectively for women, both as victims and offenders. A key issue is prison capacity with the previous Government controversially announcing that it would build up to 500 new places in existing women’s prisons. There has been minimal progress in piloting residential women’s centres as alternatives to short custodial sentences. Women are disproportionately given these which have been criticised for their cost and effectiveness. Questions for the government include:

- What actions is the government taking to reduce the number of women in prison, and how do these align with new prison places being created for female prisoners?
- What does the government and CJS understand about how and why women are treated differently from men in convicting, sentencing and in prison, and how can it ensure equity?

It is clear that these issues will be high on the gender for the current sentencing review

3.4.2 Criminalisation of women *extract from open letter to the UK Government from the CEO of Women in Prison*

“Survivors are being arrested, sentenced and imprisoned as a result of their experiences of domestic abuse, which we and our partners see regularly in our frontline work with women. We are writing to ask for your commitment to end the unfair punishment of survivors of domestic abuse and reduce the harm done to survivors if they are drawn into the CJS...3 in 5 women in prison report experiencing domestic abuse. Women who are coerced into offending, acting in self-defence, or facing malicious allegations as part of a pattern of coercive control, are being punished rather than supported. The Corston Report, published 17 years ago, identified that coercion by men represented a significant contributing factor in many women’s offending. Black, Asian, minoritised and migrant women face additional discrimination and inequality, further increasing their risk of unjust treatment under the law. Gaps in law and practice mean these connections are often overlooked in decisions to arrest, prosecute, convict and sentence. We are calling for a coordinated, cross government response to prioritise domestic abuse within the Women’s Justice Board’s strategy as an additional, fourth key focus, with two vital objectives: End the criminalisation of survivors of domestic abuse, and Support survivors, rather than punish them. Although some

effective work exists, it needs systematic and sustainable funding through multi-year grants, as well as providing support for women pre-release and on transition into the community. We value ongoing work to address and prevent domestic abuse and VAWG. Now, we need that same commitment to reach women in the CJS and to prevent women from being criminalised in the first place. We must stop the unfair punishment of survivors of domestic abuse. This is an exciting opportunity for the government to connect its goals in two key strategies - improving women's justice, and halving VAWG - to ensure that its response to domestic abuse does not perpetuate further trauma and harm. By addressing the root causes of women's involvement with the CJS, we can end the injustice of criminalising survivors of abuse and dramatically reduce the suffering of women. The time for change is now. We look forward to your leadership on this critical issue."

3.5 Extremism

Societal Threats and Declining Democratic Resilience: The New Extremism Landscape Insights Report

The report has identified a trend of increasing extremism across age groups and a broader mainstreaming of extremists narratives, with a "pick'n'mix" approach to different ideologies, a growing appetite for conspiracy theories and the normalisation of extreme misogyny. A review of existing research has found:

- 73% of 16-24 year olds have encountered hateful, violent, extremist or terrorist content on social media
- 45% of young men have a positive view of misogynistic influencer Andrew Tate
- 10% shared the views of people who engaged in violent disorder and rioting during the summer and had sympathy for the use of violence against refugees
- 8% believe violent protest outside refugee accommodation was justified

The report identified a second trend of decreasing societal and democratic resilience which is contributing to a permissive environment extremists can exploit. The evidence review found:

- The UK had the highest levels of polarisation between the political left and right in 2017-2022, outside the USA
- 45% say regardless of the political party in power they almost never trust the government to put the nation's interests first, up from 23% in 2020
- Out of 28 countries the UK is the least-trusting country in the world (39%) of 43% in 2023. The UK also has the lowest level of trust in the media
- The percentage of people who view Muslims as having "completely different" values has increased from 38% to 44% following the Southport violence
- 80% of British Jews feel less safe in Britain than before the October 7 attacks
- 43% chose "declining" and another 25% choose "weak" as words to describe modern Britain

The report identifies a 'boiling pot' of issues facing the government which is fuelled by socio-economic and political issues including the ongoing cost of living crisis, immigration, global events, and hostile foreign state interference. Recommendations to the government include:

- Establishing a new Cabinet Office directorate to ensure Whitehall develops a much needed strategic and analytical approach and co-ordinates work across different departments
- Establishing a new legal and operational framework
- Reforming the Prevent programme, amending its objectives so it solely focuses on stopping individuals being radicalised into terrorism and violent extremism

"This evolving threat requires a comprehensive new government strategy to protect and strengthen democratic institutions and social resilience. We believe a much wider cross-government approach is now required, driven by a new central function responsible for this policy and its coordinated delivery among different departments."

3.6 Five ways to help fix the CJS in England and Wales Article

The CJS is in crisis, with huge backlogs in the courts. Here are some ideas on how to fix it:

1. *Invest in legal aid and the courts* Over 1,400 duty solicitors (a quarter of the total), who provide free independent legal advice to people at police stations or courts, have left practice since 2017. A recent government report said there were insufficient criminal barristers for the number of cases.

Last year 1 in 20 trials were cancelled in the crown courts because of a lack of counsel. The courts are also in desperate need of investment, with crumbling buildings & not enough judges and staff.

2. *Reverse sentence inflation* In September, four former lords chief justice & an ex-head of CJ put their names to a paper by the Howard League for Penal Reform, calling for a fundamental shift in sentencing policy. They said sentencing inflation had been driven by governments legislating to impose minimum sentences where crimes, typically murder, are committed in aggravating circumstances and the result was to raise the level of sentences imposed across the board. Sentencing inflation was the primary cause of prison overcrowding, which was hampering rehabilitation, and they urged “a return to more modest proportionate sentences across the board”

3. *Bring back a courts inspectorate* HMI of Court Administration closed in 2011 & in 2022 the Commons justice committee recommended it be re-established. While the government said that the oversight provided by the existing CJ inspectorates were sufficient, evidence given from others including the Criminal Bar Association, disagreed. The committee concluded: “A courts’ inspectorate, which is independent from government, could make a substantial difference to the accountability and transparency of the justice system. It could use inspections and the promised improvements to the quality of the data to make recommendations that can inform policy and guidance in both criminal and civil justice.”

4. *Adopt a holistic defence model* This has had impressive results in the US where defendants not only engage with their legal aid solicitor but also get access to essential support services such as mental health intervention, substance abuse counselling, housing and benefits advice, and assistance with disabilities, parenting, immigration or employment. Evaluations have found that it results in fewer incarceration days for defendants without compromising public safety, leading to direct cost savings in terms of prison maintenance, administration, food and medical expenses.

5. *Fund data and technology* The lack of data about the justice system makes tackling problems such as the backlog much more difficult. The justice system is lagging behind areas such as education and health in collecting and using data to understand performance and impact.

3.7 Employment Councils *Extract from MoJ statement*

New Employment Councils to bring probation, prisons and local businesses together has been announced. This aims to get more offenders into work to cut crime as part of Plan for Change. Bosses from household names including Greggs, Iceland and COOK will be among those to sit on them, supporting offenders serving their sentence in the community into work. They will build on the success of prison Employment Advisory Boards, which were created by Lord Timpson before he became a government minister. These have brought local business leaders into jails to improve education and prisoners’ ability to get work when released. The new regional Employment Councils will expand this model out to the Probation Service. Each council will have a representative from the DWP to help improve links with local job centres. Around 80% of all crime is reoffending but latest data shows offenders employed 6 weeks after leaving prison had a reoffending rate around half of those out of work. It will also help employers fill vacancies, build their businesses, plug skill gaps and boost the UK economy. Employment Councils will provide support to frontline probation staff already involved in getting offenders into work by providing a greater understanding of the local labour market and helping to build better relationships with suitable employers. Further support from the DWP will help link offenders with work coaches placed at job centres throughout the country.