

# **Criminal Justice System items to note**

## **Meeting on 10.1.23**

### **1. Statistics**

#### *1.1 Prison numbers*

The prison population suddenly surged in November with 1,268 more people inside over the previous six weeks. There is now real concern that the government's pledges to imprison up to ten thousand more people could be fulfilled. The latest justice statistics suggest one of the reasons for this is the big increases in the length of sentences for sexual and drug offences.

#### *1.2 Remands in custody*

More than 2,000 people have been in prison for a year or more without being convicted of an offence, according to the latest Government figures. In September, there were 2,079 people in jails who had been on remand for >12 months. Of these, 770 had been inside for >2 years. The figures highlight a rise in the overall remand population to record levels. Quarterly figures published by the MoJ in October show that 14,507 people on remand in September, which is the highest figure in at least 50 years. Remands made up 18% of the total prison population.

#### *1.3 Deaths of homeless people*

Of the 741 homeless registered as having died in 2021 (an increase of 7.7% from 2020):

- Almost two in five were related to drug poisoning
- There were an estimated 99 (13.4%) suicide deaths and 71 alcohol-specific deaths (9.6%)
- 26 deaths (3.5%) were estimated to be linked to coronavirus
- 87.3% were men
- London (20.8%) and the North West (15.4%) had the highest numbers of deaths

#### *1.4 Domestic abuse*

The headlines up to March 2022 are:

- 5% of adults (6.9% women and 3.0% men) aged >16 years experienced domestic abuse in the year ending March 2022 ie 2.4 million adults (1.7m women and 699,000 men)
- Approximately 1 in 5 adults (10.4m) had experienced domestic abuse since the age of 16
- The number of police recorded domestic abuse-related crimes increased by 7.7%
- The CPS domestic abuse-related charging rate increased to 72.7%

#### *1.5 The extent and trends of illicit drug use*

Covering the year ending June 2022, the headline findings are:

- Approximately 1 in 11 adults 16-59yrs (9.2% - 3 m) and 1 in 5 aged 16-24 yrs (18.6% - 1.1m) reported last year drug use
- 2.7% of adults aged 16-59 yrs and 4.7% aged 16-24 yrs reported Class A drug use
- There were no changes in use of the majority of individual drugs except for ecstasy and nitrous oxide which both fell
- 2.6% of adults reported being frequent users of drugs (ie more than once a month)
- Use of cannabis remains the most used drug
- Powder cocaine is used by 2% of 16-59 yr olds and 4% of those aged 16-24 yrs
- 0.4% aged 16-59 yrs and 0.9% of 16-24 yrs used NPS (New psychoactive substances)
- A greater proportion of younger people use drugs
- Prevalence of drug use varies by household characteristics eg household income. Those earning <£10,400pa were more likely to use a drug in the last year (15.2%) than those with higher incomes
- Almost half of all illegal drugs were obtained through a friend/neighbour/colleague, the next most common source being a dealer. Around 38.8% of adults claimed it would be very or fairly easy for them to obtain illegal drugs within 24 hours

## 2. Sentencing

### 2.1 *Prison overcrowding* – extract from article by Polly Toynbee

Prisons are overflowing and police cells are being requisitioned, again. Over the years, prison numbers go up and up – even though the Sentencing Council itself finds scant evidence that more time in jail does any good. Prisons are bursting at the seams because of ever-lengthening sentences. Damian Hinds, the minister for prisons, is eager to blame the barristers' strike for this crisis. That's outrageous: barristers' strikes have merely highlighted the existing prison logjam. Here's the real cause: the public's appetite for locking people up seems insatiable. Nothing is ever enough. The more politicians implement tougher sentences, the greater the public taste for even stiffer penalties. Fact-free, tabloid-stoked impulses for vengeance merge with politicians' desire to out-tough each other on crime. What's needed isn't bigger prisons with more places in them, but fewer prisons with properly paid and trained staff, and good rehabilitation programmes. The PAC warns of an "expected surge in demand across the CJS from the recruitment of 20,000 new police officers". Still, the public want more prisons. As a result, Britain has more prisons per head of population than most similar European countries. Research this year shows that people think sentences are getting lighter than they were 25 years ago. 76% say sentences are getting shorter and are too lenient, even though in reality average sentence lengths have increased. When asked what punishments ought to be meted out, the public often choose custodial sentences that are very close to what they already actually are. Ignorance is the blight of democracy, inexcusable when simple information on everything is only a click away on any smartphone. But far more unforgivable are the politicians who keep stoking that "tougher and tougher" appetite instead of explaining the facts. That results in overflowing and squalid jails with criminals who are destined to come back time and again. It's an absurd waste of money that should be redirected to the threadbare services for early years, children's mental health and everyone's education.

### 2.2 *Restorative Justice (RJ)* – an economic evaluation comparing interventions

This project represents an innovative approach to demonstrating the value of RJ. The findings included:

- There is a strong argument for investment in RJ as it shows that it can reduce reoffending, save money and help victims to recover. This is before accounting for the broader benefits in improving perceptions of justice amongst victims and society
- Each direct RJ intervention reduced the average number of reoffences in the first year from 27 to 19. Overall, the cost-social benefit ratio was £14 per £1 invested. Of this, the direct return on investment for the CJS was £4 per £1 invested
- The additional benefits are related to the financial benefits and increased wellbeing for victims of crime and society
- The cost of delivering RJ, from referral to intervention, was the most important source of uncertainty. However, the cost-social benefit ratio remained substantial (£11 per £1), even when the cost of delivering was increased by 50%. This demonstrates that the results were robust to uncertainty
- It was not possible to robustly model the total expected benefits if access to RJ was increased nationally but the model suggests this would save the CJS £17 million.

This cost benefit analysis adds to the strong evidence base which demonstrates that increasing access to RJ should be a policy priority for national and local decision makers. Whilst all victims are required to be offered RJ under the Victim's Code of Practice, only 5.5% of victims with a known offender recall being offered Restorative Justice. More investment is needed to ensure that everyone affected by crime can access RJ.

### 2.3 *What the public think of the CJS* – Sentencing Council survey findings of the public's understanding of and confidence in the CJS

The survey was a follow-up to a similar one conducted in 2018. The findings are interesting with a wide range of perceptions from different demographic groups and from people with and without contact with the justice system. The main findings included:

- Providing people with information about sentencing guidelines improves confidence in the fairness of sentencing. 65% were aware of the guidelines and 67% claimed this had a positive impact on their confidence in the fairness of sentencing
- Confidence in the effectiveness and fairness of the CJS continues to be mixed and varies according to demographic factors and individuals' involvement in the system. Overall, 52% said they were confident that the CJS is effective and 53% were confident that it is fair. Adults aged <54 and Asian adults were more likely to have confidence that the system is effective; men and White and Asian adults were more likely than women and Black adults to have confidence that it is fair
- Respondents who have had contact with the CJS were far more likely to say their experience was positive rather than negative. This was particularly the case for people with experience of Witness Support (64% positive, 9% negative) and Victim Support (63% positive, 11% negative). Responses were more mixed in the case of probation services (48% positive, 17% negative)
- 64% thought sentencing in general was too lenient (70% in 2018). Contact with the CJS appears to affect people's impressions of sentencing. Those who have had contact as a juror, and those who have had no contact with the CJS, are more likely to consider the sentences to be too lenient. Those who have had contact with the CJS as a defendant, or as support for family or friends are more likely to say that sentencing is too tough. Those who have had contact as a victim were more likely than other groups who have had contact with the CJS to say that the sentencing was both too lenient and too tough, indicating that views become stronger in both directions, and may depend on the circumstances of the crime or sentencing.

### 3. CJS agencies

#### 3.1 Police

##### 3.1.1 *Violence against women and girls*

Andy Marsh, College of Policing CEO, is calling for a new gold standard for gender-based violence investigations, saying women have been “systematically failed” by the CJS. He wanted a new code of practice for the policing of violence against women and girls – the first since the police code of ethics was introduced eight years ago – saying the bond of trust between women and the police “must be mended”. This comes after a damning official report into misogyny in policing – ordered after the kidnap, rape and murder of Sarah Everard in March 2021 by a serving Metropolitan police officer – found defective vetting and failures by police leaders had allowed potentially thousands of “predatory” officers into police ranks. In a candid interview with the Guardian, Marsh said the report – combined with years of scandals and sharp drops in the prosecution of rape, sexual assault and domestic abuse cases – had exposed failures at the highest level of policing. “We failed victims, we failed them systematically,” he said. “I think everyone in the CJS, which has failed too many victims too often, needs to take a long, hard look at themselves, and put that system back together again in a way that works much more effectively.” The college, which is responsible for training and development across 43 forces in England and Wales, also wants to implement a new domestic abuse tool, DARA, to better identify coercive control, which is often overlooked but is the third-highest risk factor in domestic homicide.

##### 3.1.2 *Rape prosecutions* – Independent report into the catastrophic fall in rape prosecutions

The report, commissioned by the government and whose findings have been accepted by the Home Office, analyses 80,000 rape reports across five forces, includes deep dives into police data and reveals detailed discussions with officers. It is one of the first times academics have been given access to such a range of police records and have worked with select forces to understand how investigations proceed. Findings included:

- Officers lacked specialist understanding and while some did not rely on inaccurate perceptions of victim credibility, “the overwhelming direction of travel [was] still reliant on inaccurate understandings of victims and offenders...At worst, officers demonstrated explicit victim blaming and lack of belief in the victim, which impacted on the subsequent investigation. For example, victim credibility was often focused on and used to either close

or not investigate cases within some forces.” Academics also found serving officers who “don’t think that [sexual offences] should be a priority for policing”

- Some stated that they believed that most reports of rape are just examples of ‘regretful sex’, or that if victims presented additional issues, such as mental health problems or alcohol/substance misuse, then this was the victim’s problem and the legal system was not obligated to safeguard them
- Checks to see if suspects had already been reported were not always carried out, despite the fact that researchers found that across all five forces more than half of named suspects had criminal histories for a range of offences and one in four had a history of sex offending
- Officers are struggling to cope with workload and emotional trauma and needed support. A survey found burnout to be higher than among NHS staff during the first year of Covid
- None of the forces had the necessary “data systems, analysts or analytic capability”, and several found vacancies for specialist sexual offences units hard to fill. The disbandment of specialist units during austerity had led to a “de-professionalisation of the rape and other sexual offences investigator role” and a lack of learning and development “undermines the ability of any force to upskill officers”
- Inexperience was common: “I think my shift alone consists of about 80% of people with less than two years’ service. And when a sexual offence job comes in, there’s almost like this panic of like ‘Oh my God, what do I do’
- Around one-third of police recorded rapes were also related to domestic abuse, rape charge rates varied by local policing areas within the pilot forces, and charge rates were lower for cases involving partners and former partners.

Home secretary Suella Braverman said the report showed “there are big obstacles to overcome” but there were early signs of improvement, adding: “I’m determined to build on these to deliver a sustainable shift in the way rape is investigated.”

### 3.1.3 *Positive Inspection*

A police force has gone from being ranked as failing five years ago to being given the highest ever grades in the modern era by the policing inspectorate. Humberside police has been judged as outstanding in six out of nine categories by HMIC. The chief constable said one of his radical reforms was freeing up time for officers to fight crime by cutting the amount of mental health work done by police that was better managed by health professionals. He said it was also better for those suffering a mental health crisis to be looked after by people with sufficient medical training. The inspectorate found patients were getting better treatment, and that police had freed up resources. Humberside police pioneered the strategy, which saw them give the health services a year’s notice that they would no longer routinely spend hours sitting with patients in a mental health crisis, or ferry people to hospital. The scheme – called Right Care, Right Person – is attracting national attention. The chief constable said he clawed back 1,100 officer hours a month – 7% of the total. “We held the line, and that led to partners in mental health trusts, the ambulance service and NHS, spending more money.” The inspectorate said: “The Right Care, Right Person approach means that vulnerable people receive the support they need from the right organisation. The force has experts within its control room to support those vulnerable people until help arrives.”

The chief constable stated the principles driving change were the same for small, medium and large forces: “Changing culture takes longer than you think”. He warned against a top-down approach, instead asking staff and officers for their ideas. The culture change had seen officers willing to call out hateful or poor behaviour by colleagues and “walk through walls” to improve crime fighting. He said: “Sergeants and inspectors work for the staff, not the other way around. It is high support, high challenge. We expect them to go the extra mile for the public.” There was now a genuine neighbourhood policing effort with stations closed at the height of the cuts being reopened, and local officers policing areas and rarely taken away. Communities raised problems and saw them being dealt with, he said. Humberside is a rare success story for British policing, which has been beset by a series of scandals and concerns about its effectiveness. A total of six forces in England and Wales have been placed in special measures by the policing inspectorate – a record – with concerns that a seventh may soon join them.

### 3.1.4 *Lack of trust*

Only 36% of Black children and teenagers trust the police compared with 75% of young White people, according to a major new survey for the CJ consultancy, Crest Advisory. The trust figure for Black people aged 10-18 was the lowest of any ethnic group and was even lower among Black Caribbean children. Less than a quarter of Black children and teenagers questioned for the poll said they trusted police to stop and search them fairly and fewer than one in five trusted officers to treat people from different backgrounds fairly. The survey also suggests young Black people are less likely to call the police if they are in danger than those who are White or Black adults. The key findings included:

- 73% of respondents said they trust the police, compared with 62% in the adult survey
- Only 28% of Black Caribbean children and teenagers said they trust the police
- Trust in the police was lower among older children and girls, with Black girls the lowest of all among those surveyed, at 33%
- 58% of all children and teenagers who had been stopped and searched said they trust the police, compared with 74% of those who had not been stopped
- Young people in the East Midlands and Greater London had the lowest levels of trust in the police

The findings indicate that, overall, children are conflicted about the use of stop & search. Many stated they would feel safer knowing that stop and search powers were being used; however, less than half of all children trusted the police to use these powers fairly. For Black children, it is clear that many do not feel safe around the police and do not trust that police officers would treat them fairly or use stop and search powers appropriately. In addition, children who have been stopped and searched have lower levels of trust in the police, are less likely to feel safe around police officers, and are substantially less likely to talk to the police if they had been threatened with a weapon in their local area. That raises safeguarding concerns over how best to protect vulnerable children from harm.

## **3.2 Prisons**

### 3.2.1 *Prison Inspection*

HMP Exeter had the unwanted distinction of being the first prison in such a disarray to be the subject of a second Urgent Notification from the Chief Inspector of Prisons. The Justice Secretary is required to respond within 28 days. Charlie Taylor, Chief Inspector of Prisons said: “We completed an unannounced inspection of HMP Exeter which left us so concerned for the safety of those detained that we have written to the Secretary of State for Justice to invoke an Urgent Notification. This is the second consecutive Urgent Notification for Exeter – the first time we have had to do this for an adult prison. We previously issued one in 2018 when our inspectors found similar concerns about the safety of prisoners. Despite assurances from the then Secretary of State that improvements would be made, Exeter remains a dangerous place for those detained there. The rates of suicide and self-harm are the highest in England and Wales for this type of prison, and standards have also declined in health care. This situation is unprecedented and we expect immediate and urgent action to be taken. We look forward to hearing how the Secretary of State proposes to address our concerns.”

### 3.2.2 *Prison overcrowding crisis*

Official figures show that the prison system as a whole has been overcrowded in every year since 1994. Almost two in every three prisons are overcrowded (77 of the 120 prisons), with more than 15,900 people held in overcrowded accommodation—more than a fifth of the prison population. Nevertheless, with the dip in the prison population owing to the pandemic and the government committing £4 billion to build a total of 18,000 new prison places, it was still something of a surprise when the Prisons Minister Damian Hinds was forced to request the emergency use of 400 police cells for people on remand. Ministers blamed the recent barristers’ strike for an “acute and sudden increase in the prison population” of 800 in the last two months. Penal reformers disagreed, saying that the government’s constant call for longer sentences for a wide range of offences was a more significant factor. The latest official CJ statistics published earlier this month portrayed a complex

picture of how the courts are faring in tackling the backlog which was exacerbated by the pandemic. In a nutshell, while there is a slow increase in the number of people being sent to prison, there is a definite decrease in the number being released as people serve longer and longer sentences. The overcrowding is amplified by the growth in the number of people (particularly those serving short prison sentences) being released from prison and then recalled – often for not complying with the terms of their licence supervised by the probation service. There were 82,839 inmates in prisons across England and Wales on 25 November, compared with 79,685 at the same point in 2021. During the same period, prison officers have been leaving their jobs at an increasing rate, giving rise to concerns about the experience levels of those left in post. Whether people remanded in custody over the next few weeks would prefer to be in an under-staffed prison with a restricted regime or banged up in their local police station with no access to any activities out of their cell is a moot point. This is the first time in 14 years that the government has had to tackle prison overcrowding by the use of police custody suites.

### 3.2.3 *Prisoners literacy*

The MoJ announced a new app to improve the literacy of people in prison and give them a better chance of finding work on release. The app was developed as part of an innovation challenge run by the MoJ within its Prison Leavers Project. Called “Turning Pages Digital”, the app was jointly developed by a tech company and the Shannon Trust - a charity pioneering literacy programmes in prison. The Shannon Trust was founded by Christopher Morgan in 1997 following a series of letters with a life-sentenced prisoner, Tom Shannon, in a penpal scheme run by the Prison Reform Trust. Reading Tom’s letters, Christopher learned about prison life and the shocking levels of poor literacy among prisoners. In 1995, the letters were put together in a book titled, ‘Invisible Crying Tree’. The royalties from the book were used to found the Shannon Trust. One of the key success factors from the beginning of the charity was its insistence on a peer mentoring approach. Throughout its history the motto has always been “by prisoners for prisoners” – with those who can read teaching those who can’t.

In 2015, the charity launched its "Turning Pages" programme in every prison in England, Wales & Northern Ireland, with a series of five easy to follow manuals. One of the reasons for the Shannon Trust’s success is that the person mentoring the learner doesn’t need any specialist training. All they need is motivation and a small amount of free time. 20 minutes, 5 times a week is said to be the optimum but those learning to read still make great progress with fewer sessions. Another reason for the success of the approach is that Turning Pages is interactive; learners build and practice their skills working through a range of different activities. Progress checks are built into each manual so learners and mentors can be confident that new skills have been embedded. It is that early feeling of making progress which engages new readers and gives them the motivation to keep going, and Turning Pages reading books become available as they progress. These have been written to match the reading skills that learners have covered so that they are given the chance to put their new skills into action and experience the joy of reading for pleasure from early on in the first manual. The programme was formally evaluated by Birmingham City University, who found very positive results in improved reading skills. The tech company has helped digitise the Turning Pages programme, making it available as an app for people in the community. The app will be trialled with 300 people on probation in Kent, Surrey and Sussex from this month, encouraging them to improve their reading skills as a key element of their desistance journeys.

### 3.2.4 *Prison staff*

The all-party Justice Committee has launched an inquiry into the staff shortages which are affecting the running of prisons across large parts of England. They will investigate the reasons why so many prison officers are quitting their jobs, and the impact their departure is having. It will also examine what measures could be put in place to encourage staff to stay in their jobs. Sir Bob Neill, the Conservative MP who chairs the committee, said: “Understaffing in the prison system has serious consequences for prisoners and prison officers alike. Without sufficient staff their safety is at risk. It also limits the ability to provide the vital services that support the physical and mental health of inmates and prepares them for release. We have launched this inquiry to understand what can be

done to reverse the exodus of staff from the prison service. It will look at why so many are seeking employment opportunities elsewhere and what measures can be put in place to encourage them to stay.” The MPs are expected to question ministers, officials and trade union representatives before producing a report into the issue. They launched the inquiry with an appeal for written evidence, with a closing date of January 6.

### 3.2.5 *Friday releases*

A Private Members Bill is the government’s chosen mechanism to implement the government’s pledge on Friday releases. The Bill, which is supported by the Government, aims to introduce legislation which means that offenders scheduled for release on a Friday who also have mental health issues, substance misuse problems, or far to travel home will be released on Wednesday or Thursday instead, providing that strict security checks are followed. There are three main factors which contribute to additional problems with releasing people from prison on a Friday:

- More than a third of custody leavers are released on a Friday which adds pressure to Offender Managers and Responsible Officers, local housing authorities, other accommodation providers, Jobcentre Plus offices and other community services
- Prison staff need to prepare outgoing prisoners for court in the morning and, in addition, to process the higher numbers of people being released. Due to performance indicators, prisons will prioritise preparing for court over those due for release. This can result in people being released later in the day, having limited time to present to services before the weekend. People being released may also have to travel significant distances to reach the area they are being resettled to, arriving late in the day, reducing the likelihood of securing all the support they need. This is particularly relevant to women and young people due to the configuration of the prison estate and the distance they may be from their home area
- Services in the community can have reduced service on Fridays and reduced or no service over the weekend

Provided the Bill passes into law, it will be a major success for the long running campaign led by Nacro to address this long-standing problem. The campaign was launched over four years ago, in November 2018. The next part of the process is the Committee Stage which does not yet have a date scheduled. If the Bill does become law, it would give prison governors the power to give thousands of people released from prison every year a better chance of building a new life.

### 3.2.6 *Treatment of Black prisoners & Black staff* – HMI Prisons’ thematic review into the experiences of adult black male prisoners and black prison staff.

This highlights the fact that divisions between black prisoners and white prison staff are entrenched throughout the prison service, and that black prison staff report very negative experiences at work. The Inspectorate urges action and says that both of these problems could be tackled through taking a more creative approach focused on building mutual trust and respect. The key findings were:

- Problems in the relationships that underpin positive communication were at the heart of the issue. Black prisoners generally felt that staff viewed them as a group rather than as individuals, were not genuine in the way they related to them and did not have enough understanding of their distinct cultures. White staff often associated black prisoners with gangs, and black prisoners felt that this had far-reaching implications for their day-to-day treatment and progression. Officers often denied there was a problem with discrimination or that prisoners experienced racism, saying that they would often accuse them of racism without good reason – described as ‘playing the race card’ – in order to deflect criticism or sanction. The use of this term was a shorthand for dismissing prisoner concerns, discouraging staff self-reflection, and undermining prisoners’ confidence that they would be taken seriously. This wide gulf between the experiences of black prisoners and white officers exposed the extent of the challenges
- These relationship difficulties affected the use of force. Risk assessment is central to the daily operation of a prison, and both prisoners and staff said that staff were interpreting behaviour that they found unexpected, hard to understand or discomfiting as indicators of risk rather than difference. One of the key requirements for effective de-escalation and the avoidance of conflict is the ability of staff to communicate confidently with prisoners, and this is supported by good existing relationships which were sorely missing

- Poor relationships were characterised by mutual suspicion that contributed to the escalation of perceived risk and the disproportionately high use of force against black prisoners. The inspectorate calls for a better understanding of how risk is ascribed to black prisoners and how it then affects their subsequent prison journey
- The most common reaction of staff to being told of the results was to be defensive and/or dismissive about black prisoners' negative reporting eg in one group of experienced white staff, there was no acknowledgement of the possibility that prisoners genuinely experienced racism in their establishment, and the group went as far as saying that prisoners were either wrong or lying if they reported that they had experienced or seen racism. The staff were adamant that they treated everyone the same and felt that black prisoners 'played the race card' routinely
- Black staff said they had mainly positive relationships with black prisoners, most often citing a shared culture and similar background. Several said that this explained why black prisoners were more likely to seek support from them when they needed it, including confiding in them about experiences of racism or discrimination. Others said it helped them to challenge prisoners with problematic behaviours or attitudes without the situation becoming confrontational. However, these relationships had complex dynamics and were not uniformly positive. Some black staff said they were seen as no different from other officers or were treated with hostility for being part of a racist prison system. Many black staff described their ability to develop stronger working relationships with black prisoners as a double-edged sword. Many talked of the constant fear of being accused of corruption or favouritism by white prisoners or staff. This led to a fear of being under constant scrutiny
- Black staff also talked about the everyday racism they experienced at work and, echoing the experiences of black prisoners, said they were not confident to report discrimination by colleagues because of the potential repercussions and a lack of faith in the confidentiality of the process.

### **3.3 Probation**

#### **3.3.1 Sobriety tags**

Nearly 1,000 prison leavers have been tagged in the first year of a scheme designed to crackdown on alcohol-fuelled crime. Under the scheme, offenders released from prison are fitted with alcohol monitoring tags if their probation officer thinks they are likely to reoffend when drinking. Those who break the rules set by the Probation Service around their drinking face being sent back to jail. The initiative was launched in Wales last November and rolled out to England in June as part of government plans to stamp out the scourge of alcohol-related crime. Alcohol plays a part in 39% of all violent crime in the UK and roughly 20% of offenders supervised by the Probation Service are classed as having an alcohol problem. Around 12,000 orders requiring offenders to wear alcohol tags are expected to be issued over the next three years, covering both prison leavers and those serving community sentences. One offender (aged 22) commented: 'I was nervous about being tagged but it does help. It's a physical reminder for me not to drink. I've been on probation before but this time I'm doing really well. I'm sober and not getting in trouble'. An offender's licence will stipulate that the alcohol tag must be worn for a minimum of 30 days up to a maximum of one year. Those getting tagged either have a licence condition which requires them to go teetotal or have their drinking levels monitored during this time. Judges and magistrates have handed down 5,939 alcohol tagging orders to offenders serving community sentences since October 2020.

#### **3.3.2 Inspections**

Chief Inspector of Probation Justin Russell commented on the completion of inspections across London Boroughs: "These reports conclude a hugely disappointing period for our inspection programme, with all the London probation services we have inspected requiring immediate improvements. We knew that they were struggling to cope with the unification of probation services in 2021, and the lasting impact of Covid-19, but we have been shocked by the level of poor-quality services. The Probation Service must look at these six inspection reports and bring about swift and effective change in the capital." Inspectors judged just one quarter of the cases they examined as being of a satisfactory standard in relation to their assessment of risk of serious harm; and domestic abuse checks with the police were not made in almost two thirds (64%) of the cases where they



should have been. Mr Russell highlighted the key cause of this poor performance as long-standing under-staffing. In Lewisham and Bromley for instance, when the inspection started the area was missing 33% of its senior probation officers; 32% of its probation officers; and 52% of its probation service officers. The obvious consequence was that the remaining staff were consistently working well above their agreed workload. Although efforts are being made to recruit new staff, it is a daunting time to become a probation officer with newly qualified officers on 150% of their workload target from their first day at work. Mr Russell summarised the dismal situation: “A vicious circle has been created, whereby high vacancy numbers and high sickness absences mean higher caseloads for those staff that remain. As a result, cases cannot be managed properly, increasing the chances of a person on probation reoffending. The assessment and management of the risks of serious harm to the public are far from satisfactory in the cases we have inspected. And not enough safeguarding and domestic abuse enquiries are being made to safely manage risks of serious harm. London expects better from its probation services and deserves to be protected from such risks”. He stressed that the lack of resources was of such a scale that it simply could not be overcome: “Officers’ determination, though admirable, cannot be realised without vacancies being filled, better management oversight and better delivery of all the services that people on probation need to turn away from crime. Local services must get significant support from regional and national level, to face the challenges ahead and halt the level of decline.”

#### **4. Other issues**

##### *Poverty & crime*

Revolving Doors, the national charity working to break the cycle of crisis and crime, data shows that 76% of UK adults think that rising levels of poverty will lead to an increase in crime. 68% think that rather than sending those who commit poverty-related crimes to prison, it would be better to address this financial hardship. The majority (65%) think that the reason why most people commit non-violent, low-level crimes is due to poverty, mental health issues, and problems with drugs and alcohol. 58% also believe that alternatives to prison should be found in these cases. The report features someone about his own experiences of ending up in prison because of a lack of enough money to live on and a lack of support with his mental health and alcohol problems: “I’ve been through poverty-related theft. I stole a £1.50 bottle of alcohol; I went to jail for 3 weeks. As soon as I came back out, it made me rebel even more, I wasn’t in the right place. I was sent to prison three times for stealing booze when I was drunk, and my mental health was low. Did it help? Did it solve anything? No. What helped me was being diverted out of the CJS and into mental health services. It was only then I found out that I had a mental health condition. My offending wasn’t driven by me being mischievous, but by my unmet mental health needs. I was self-medicating because I wasn’t aware of these needs, I didn’t understand what was going on. Prison makes it ten times worse because you go back to even more problems. Now, with the cost-of-living crisis, it’s going to be so much harder for people in that situation than it was for me back then. It will just create a vicious circle where you might end up losing your accommodation just for a £1.50 bottle of alcohol. Is it really worth it? And how much will it cost the public?”

These findings coincide with predictions that living standards will drop by 7% as the cost-of-living crisis bites. This risks pushing even more into poverty and therefore into contact with the CJS which the UK public do not believe should be punished with a prison sentence. Even though there is clear public opposition to criminalising people who are committing low-level, non-violent crimes because they have multiple unmet needs, and despite a tightening of the public purse strings in the Autumn Budget, the government are still pushing ahead with a multi-billion pound plan to build 20,000 new prison places. Cheaper, more effective alternatives to prison exist, particularly for those serving short sentences. Community sentences cost about 10% of what it costs to imprison someone for a year and reoffending rates are significantly lower. Revolving Doors is therefore calling for a total Rethink & Reset of how CJ should be approached in the UK, calling for a ‘tough on the causes of crime’ stance rather than taking an entirely punitive approach to crime with a disproportionate reliance on prison, arguing that this is what the UK public want and what the public purse needs.