

Criminal Justice System items to note

Meeting on 10.9.24

1. Statistics

1.1 Offender Management Statistics (Prison population end June 2024)

These portray the stark reality of the challenges facing the new Government in trying to get the CJS back on its feet. The headline findings are:

- 87,726 prisoners (up 2% compared to the same period in the previous year)
- 18,344 first receptions into prison between January and March 2024 (up 7%)
- 13,289 releases from sentences between January and March 2024 (12% higher)
- 61,855 adjudication outcomes between January and March 2024 (up 35%)
- 7,415 licence recalls between January and March 2024 (up 9%)
- 239,015 offenders under probation supervision as at 31 March 2024 (unchanged)
- Remand population 10% higher than last year, a record high (untried rose by 8% and convicted unsentenced by 13%). Most were being held for either violence against the person or drug offences
- 73% of the sentenced population are white but only 66% of the remand population
- Recalls increased by 3%

The key conclusion is that neither the prison nor probation services are adequately staffed to meet the needs of the current caseloads and certainly not the ever-increasing numbers

1.2 Quarterly CJ statistics (up to 31 March this year)

These show significant pressure at every point in the CJS. Key trends include:

- The number of people formally dealt with by the CJS up 6% on the previous year
- Prosecutions and convictions up 8% and 7% respectively
- A 1% increase in defendants remanded in custody across each stage of court proceedings.

All of these developments put more pressure on the struggling prison, probation and court services with the impact of the recent riots still to come. Particular points include:

- Prosecutions for indictable offences increased by 17% particularly theft (up 32%), violence against the person (up 19%), and sexual offences (up 20%)
- Crown Court backlogs are currently at their worst ever level
- Remand continues to be over-used. Across all criminal courts, 26% sentenced after being RIC received a non-custodial sentence. Of those RIC at magistrates' courts, 10% were sentenced to immediate custody and a further 72% were committed for trial or sentencing at Crown Court. Of those RIC at Crown Court, 71% were sentenced to immediate custody
- The average custodial sentence length for indictable offences remained unchanged at 22.9 months but fraud offences were up 2.8 months and sexual offences up 2.3 months
- 80% fined with summary motoring offences accounting for 73% of all fines issued
- Offenders sentenced to immediate custody were up by 11% (43% for >12 months or more)

The government is unlikely to weather the prison overcrowding crisis (and the problems besetting both probation & courts) without implementing a range of demand management measures

1.3 Prison performance annual prison performance tables from the MoJ

15 prisons have been rated as being "of serious concern", the worst possible rating by HMIP [NB this includes Long Lartin]. Over 40% of the estate was rated as either "of serious concern" or "of concern", as levels of violence and self-harm were seen to be rising in jails across the country. The Justice Secretary said this was why she had "no choice but to act" when she decided to release thousands of prisoners earlier than planned in September and October. The MoJ said the data demonstrated that the "system is in crisis". Fewer prisons were rated as "good", suggesting that overall standards are declining year on year. There was a 44% increase in drug finds, and overcrowded prisons rose for the third consecutive year (23.6%), with jails operating at 99% of capacity since the start of 2023. The Howard League CEO said: "These shocking statistics tell us why the new Government was absolutely right to take steps to ease pressure on the prison population and why further action will be needed."

1.4 HMPPS workforce quarterly

Prison and probation staff have been hanging on for the cavalry of new recruits for quite some time now. While successive governments have invested into recruiting new staff, there is little sign of this activity paying off yet.

Prison staffing

The primary challenge is that while there are plenty of new recruits, there are also considerable numbers of leavers. Examining reasons for this: 65% resigned from their roles, 17.8% were dismissed and 5.6% retired. The rush to recruit is clearly causing difficulties. Another indicator of an organisation in trouble is rising sickness rates. An average of 11.4 working days were lost to sickness absence, and Youth Custody Service staff had the highest rate at 16.9.

Probation staffing

As at 30.6.24, there was a decrease of 12.5% staff over the past year with fewer trainee probation officers starting courses. 2,357 people left the Probation Service (an increase of 10.6%) on the previous year. The sickness rate was 12.9 days pa

With increasing pressures on staff, the government must find a way of reducing demand so that sufficient numbers feel able to remain while recruitment campaigns continue. It is hard to over-estimate the scale of the challenge.

1.5 Children with parents in prison new set of MoJ statistics

This estimates the number of children with a parent in prison, considered to be a hidden population, with data held in multiple places across a number of government services. This report takes steps to bring this data together and to identify the scale of parental imprisonment. Key findings between October 2021-22 include:

- An estimated 78% of prisoners had children
- An estimate was made that 192,912 children had a parent in prison

1.6 Post-release deaths Prisons and Probation Ombudsman Learning Lessons bulletin

A recent report on the health of those released from prison showed that having no address significantly increased the possibility of serious illness/death, as well as being tempted by illegal substances and alcohol, and in danger of being exploited and assaulted. Of the 137 post-release deaths between Sept 2021-Dec 2023:

- 86% were reported as 'White-British', and 77% were aged between 30-50
- Nearly two thirds were classified as "non-natural" with 83 related to drugs. 21 took their own lives and 20 died from natural causes
- Over half passed away within the first four days of release and 72% were drug-related.
- 32% who died within two weeks of release were homeless. Many were the most vulnerable due to mental health and substance misuse issues
- Some were worried about being released into accommodation that might lead them back to substance misuse, such as approved premises due to their reputation for heavy drug use

The Ombudsman sets out exactly why homelessness on release from prison is a significant and complex challenge that cannot be addressed by HMPPS alone. In some cases, there was a lack of urgency in probation's referral or within community services when responding to queries or referrals from HMPPS, and often local authorities required the prisoner to report to the housing officer on the day of their release, in the hope they could be given emergency housing, meaning uncertainty for the prisoners. We must now hope that the presentation of many of the same recurrent failings result in renewed action under the leadership of the new Prisons Minister.

2. Managing the prison population

2.1 Prison population hits record high

The prison population has hit a record high after rising by nearly 1,000 in four weeks, believed to have been driven by the number of jail sentences handed to those who took part in recent riots.

A total of 88,350 people were in prison as of 30 August, up 116 from 88,234 a week ago and an increase of 988 from 87,362 on 2 August. It is the highest end-of-week figure since weekly population data was first published in 2011. It also surpasses the highest total recorded, which was 88,336 at the end of February 2024.

2.2 Early Release

2.2.1 Implementation of SDS40 The riots, fuelled by the far right, came after the Labour government announced emergency measures to ease overcrowding in its first week in power. The Lord Chancellor set out legislation last month to reduce the amount of time inmates must spend in jail before they are automatically released, lowering it from 50% to 40% of their sentence, in an attempt to manage overcrowding (SDS40). These changes will come into force in early September, giving Probation the time they need to safely release offenders, making sure each person has somewhere to live and support into work. It is recommended there will be exemptions on an offence basis, including those related to sexual violence and certain domestic abuse offences. The measure will be temporary, to be reviewed in 18 months, and will apply both retrospectively and to the newly sentenced. It will have two recommended commencement dates for two tranches of releases: firstly, on 10 September to those serving sentences of <5years; and then on 22 October for those having served sentences of >5years. A special roundtable meeting of the Third Sector Strategic Partnership Board took place about the implementation of SDS40 when a range of concerns were raised, predominantly centred on the need to ensure that sufficient resettlement support is in place following the implementation of this policy. Clinks will be coordinating efforts to ensure that the sector is best supported to effectively provide vital through-the-gate services. They will share best practice in supporting people coming out of prison into accommodation and explore what further steps are required to ensure that accommodation support is in place for people eligible for SDS40.

2.2.2 Operation Early Dawn has been reactivated to manage the prison capacity pressure system and means that offenders will be summoned to a magistrates' court only when it is confirmed that a cell is ready for them, should they be remanded into custody. They will be held in a police station until they are summoned to court. The Prisons and Probation Minister said: "We inherited a justice system in crisis and exposed to shocks. As a result, we have been forced into making difficult but necessary decisions to keep it operating. However, thanks to the hard work of our dedicated staff and partners, we have brought forward additional prison places and now introduced Operation Early Dawn to manage the pressure felt in some parts of the country. The police have reassured the public that this will not impact their ability to arrest criminals, and anyone who poses a risk to the public will not be bailed." The Government has already brought forward a number of measures to increase capacity as a result of violent disorder, making hundreds of prison places available including a new houseblock at HMP Stocken, the repurposed HMP Cookham Wood (former YO1 closed in March after it was called "inhumane"), and accelerated maintenance work in other prisons. Operation Early Dawn involves an operational assessment being made each morning and throughout the day by the Prison Service, courts and police on which defendants can be transferred from police cells and taken to courts to ensure there is a safe and secure location if a defendant is remanded to custody. It will be kept under constant review and will activate or deactivate as necessary. Officials will triage the prisoners in police custody, to prioritise as many as they can for court hearings according to the seriousness of their offences, and adjust plans according to new capacity information from across the prison estate. This operation is needed because a long-running contingency (Operation Safeguard) which sees prisoners held in up to 200 police cells for a night before they are moved into prison custody, is becoming exhausted.

2.2.3 Impact of the Riots

The number brought before the courts for involvement in the riots is increasing quickly, with a total of 677 charges and 1,117 arrests recorded since 29 July. The national police chief for public order, said police would continue identifying and arresting people who were involved in the riots "for as long as it takes". He rejected claims that "two-tier policing" was seeing right-wing protesters disproportionately punished, saying: "We're not anti-protest, we're anti-crime. Policing will deal with stuff where it's unlawful, where it's violent." He said claims that police had been more permissive to pro-Palestine and environmental protests were wrong, adding: "They weren't setting fire to hotels, they weren't lobbing bricks. That's not two-tier policing, that's about dealing with threat, risk and harm...The relentless focus on bringing people to justice won't change. "There is no place to hide, we are coming after people." He said that with disorder having subsided, arrests were likely

to slow but that investigations would continue for many months as officers identified offenders behind anonymous social media accounts and tracked masked rioters backwards through hours of CCTV footage to the moments before they covered their faces. “Inevitably, the number of arrests will peter out, and some of those investigations will take longer,” he said. “Some of those will require the forensic download of phones and detailed evidence, and it can take time to build the case.” While many defendants have pleaded guilty and been swiftly sentenced, more than 150 are set to go to full crown court trials, joining the immense backlogs that were already seeing cases being scheduled into 2027. A representative of barristers said cases had so far been heard at “unprecedented speed”. “We’re seeing protocols put in place by judges to get people from the magistrates to crown court in days.” The MoJ said: “The first job of this government is to keep people safe, and the new lord chancellor has taken action to make sure the justice system is always able to lock up dangerous offenders, protect the public and reduce reoffending.” The Justice Secretary stated: “At times like this, justice must not only be done, it must also be seen to be done. We must show that for every action, there is a reaction. Crimes must lead, unerringly, to punishment. The swiftness of our courts has been essential to this. Judges have handed down sentences within days of an arrest and have even chosen to broadcast their sentencing remarks live, a decision I welcome wholeheartedly. They offer a lesson to those who feel tempted by violence again. Justice will find you. You will feel the full force of the law.”

A human rights activist commented: “ Extremism in all its forms has been ignored for too long by British politicians. The impact of these days of disorder will be felt for months and years to come. They make the job of rebuilding the justice system harder. They also offer a sobering reminder of how much worse things might have been had this government not acted fast, a few weeks ago, to address the crisis in our CJS before it was too late. The scale of the challenge ahead of us must not lessen our resolve. Amid the darkness of recent days, I have taken heart from the many moments across the country that reveal the true face of Britain. Where some have stoked division, others have sought to reduce the tension. Where some have sought to destroy, others have rebuilt what was torn down. I think particularly here of the people of Southport, a town in trauma. After the far-right thugs who descended on their town had fled, ordinary people came out and re-laid the wall of the local mosque, just hours after it had been knocked down, using the very same bricks that had been hurled through its windows.

3. Alternative approach to the CJS

3.1 *Extract from an interview with Nick Hardwick*

On top of the early release scheme, Labour has suggested it will keep the Conservatives’ plan to expand the prison system by at least 14,000 places. Ministers should scrap the plan to build new mega-jails and pour £4bn into the prevention of crime and rehabilitation instead, as a huge expansion of the prison system would not solve the problem, especially when average custodial sentences are rising. The current size of the incarcerated population was unsustainable but rather than spending billions on new prisons, if they bought themselves a bit of time would it be better to reinvest that money in trying to stop people going into prison in the first place – working in schools, in health, in mental health? “You could ask people: do you want people to go to prison for a few months longer at a cost of billions of pounds, or spend that money on hospitals and schools?” Prison was “right for those involved in the riots, and the speed at which this was done, in contrast to how the system usually works, will be a deterrent”. Regarding the plans to release some prisoners early, he said “Mistakes will be made. I’m sure about that, because you’re talking about big numbers and some people will reoffend a bit sooner than they would otherwise have done. But if we leave the system as it is we have no possibility of addressing their behaviour. The MOJ said: “This government is committed to addressing the crisis in our prisons, and ensuring our jails make better citizens, not better criminals. That has started with the emergency capacity measures introduced last month, and we will set out a 10-year strategy for prison supply later this year. We will also introduce a new focus on driving down reoffending, linking up prison governors with local employers to break the cycle of crime.”

3.2 Grasping the nettle *Extract from a Howard League for Penal Reform briefing*

Prisons face an overcrowding crisis of unprecedented proportions. Technically, we have already run out of space as the prison system is being asked to accommodate more people than it is designed to hold, but we often see headlines claiming that it is “almost full” or that there are only a few hundred “places left. Statistics are confusing but the prison system is beyond full. In October 2023, the MoJ confirmed it had stopped all “non-essential maintenance work” because prisons were simply too crowded to allow for the closure of cells that such work would entail. Worse still, official inspection reports reveal that people are being placed in cells that are not fit for purpose. As overcrowding pressures continue, it is becoming increasingly clear that cells are being certified as adequate when they are not. The growing tension behind bars is reflected in official statistics, which reveal worrying rises in self-harm (over 70,000 in 2023) and violence (up 28%). These problems have accumulated over time. The prison population has almost doubled in the last 30 years. This is not a response to rising crime, in fact recorded crime has fallen, but a sign of how changes in sentencing policy, led by politicians, have had a dramatic impact. Prisons overwhelmed by overcrowding are not preparing people for life outside, and there is insufficient support for people when they are released. When governments have faced overcrowding in the past, their instinctive response has been to promise to build more prisons but when the prison system gets bigger, the problems within it get bigger, becoming harder to solve. And it makes no sense to build new jails when there are too few staff to run the ones we already have. The MoJ’s own data shows that community sentences are more effective than short prison sentences at reducing crime. It is time for a different approach and the longer we leave it, the harder it will be. The moves taken by the new government help to alleviate the immediate crisis in capacity but it still leaves the prison system overcrowded and liable to future shortages of capacity. A range of further measures must be looked at, from introducing a presumption against short prison sentences to reforming the overuse of remand and of recall to prison. For too long, CJ policies have been judged on whether they appear “tough” or “soft”, when what really matters is whether they work. We can start to put things right if we shift our focus from punishment to problem-solving. Common sense tells us that someone is much less likely to be involved in crime if they have a settled home and steady employment. Imagine what we could achieve if we stopped building prisons and invested in homes, schools, hospitals and jobs instead.

3.3 Taking the Politics Out of Punishment *Extract from a Rob Allen blog*

If the new government’s most urgent task on prisons is to navigate an immediate way through the current population crisis, they should also be considering ways to avoid a repetition in the future. When last in power, Labour ministers reviewed how to improve the balance between the supply of prison places and demand for them. Despite the 2007 recommendation for an effective, integrated and transparent planning mechanism that reconciles penal capacity with CJ policy, the institution which emerged after 3 years of wrangling, the Sentencing Council, has not been willing or able to fulfil that role. Since then, Parliament and the courts have been busy willing the ends of more and longer prison sentences but not the means of enforcing them. Hence the recent flurry of measures to release prisoners early which Labour accepts it will have to keep in place in the short term. In the long term they should consider two options:

- The recommendation by Parliament’s Justice Committee that policy proposals on sentencing should be subject to independent evaluation, so that the resourcing implications are recognised before they are enacted
- 10 years ago, the British Academy argued that penal policy needs to be insulated from the short-term political and media pressures which so often prioritise populist initiatives over a principled and sustainable approach. The creation of a Penal Policy Committee, accountable to Parliament, comprising wide representation and expertise was recommended. Distanced from party political competition, the PPC would develop and formulate the approach to who should go to prison and for how long. This would take full account of the financial, social and ethical costs of prison as well as its practical availability. They suggested that the Sentencing Council, working to a revised remit, would then be able to implement the policies on sentencing outlined by the PPC

Is this an idea whose time has come?

4. CJS agencies

4.1 Courts

4.1.1 Magistrates Association advice to new government

They have urged it to make criminal and family justice a priority, carry out a fundamental review of the CJS and boost investment in all parts of it. 6 areas for improvement have been identified:

- Taking a whole-system approach to setting the right balance of resources between different parts of the criminal and family justice systems
- Addressing staffing shortages across the criminal and family justice systems, from court staff to probation officers to prison staff
- Investing in a wider range of high-quality community sentencing options that magistrates can have confidence in as alternatives to short custodial sentences
- Reviewing the potential for magistrates' courts to take on greater work, to help reduce backlogs of the most serious cases in the crown court
- Addressing the dire physical state of court buildings, many of which are in a state of dilapidation
- Improving the openness of the justice system, including more published performance data and reforms to the Single Justice Procedure

4.1.2 Single Justice Procedure

The Chief Magistrate has recently ruled on the “unlawful” use of this for up to 75,000 rail fare evasion cases. The Magistrates Association CEO said: “This ruling has big implications for tens of thousands of people, and there are serious questions that the prosecuting authorities – in this case the train companies – need to answer as to how this was allowed to happen. This supports our call for reform of the Single Justice Procedure. For some time now, we have been calling for it to be more open and transparent, consistent, and fairer particularly for more vulnerable defendants such as those who are elderly or infirm. Our recommendations include making it a requirement that prosecutors see all pleas and mitigations from defendants before the cases are heard by the magistrate, and reviewing and improving the training that magistrates receive before they can sit on SJP cases. The government should also make provision for SJP sittings to be observable by accredited journalists.”

4.2 Prisons

4.2.1 Offender Management courses MoJ data

Prison rehabilitation numbers are down 74% since 2010 with almost 12,000 fewer inmates having completed offender management courses than when David Cameron took office. OM programmes are designed to “change the thinking, attitudes and behaviours which may lead people to reoffend”, and the courses encourage goals for the future and are designed to help people develop new skills so they can prevent recidivism including problem-solving, managing relationships and self-management. The range of programmes include ones to address specific offences. The data shows that over 60% fewer prisoners completed “general offending” programmes, 11% “thinking skills” programmes, 19% sexual offending programmes and 53% violence programmes. The government blames this decline on the fact that ownership of substance misuse programmes has transferred to the NHS and are therefore not covered by HMPPS statistics. The Howard League for Penal Reform said the fall in the use of rehabilitation programmes was linked to a growing prison population.

4.2.2 Women in prisons Women in Prison charity

This calls on the government to prioritise prevention for women. The new prisons minister stated in February that only a third of the 85,000 people in prison “should definitely be there”, and another third “probably shouldn’t be there but they need some other kind of state support.” One proposed solution is to release female prisoners early to free up an entire prison that could be used for men instead. Thousands of women are currently serving <12 months for non-violent offences, with 58% in 2022 for <6 months. “These proposals validate that most women should not be in prison in the first place. And we know women are swept into contact with the CJS because of drivers like mental ill-health and domestic abuse.” For years, women’s charities have been calling for prison reform,

saying prison is not a safe or appropriate setting for women who have mental health problems (76%), experienced domestic abuse (70%), and face homelessness/unsafe accommodation upon release. 53% were abused as children. Self-harm rates among women in prison were the highest ever reported in 2023 (up 52%). Prisons are increasingly being used as “places of safety” for very unwell women with a massive rise in the use of remand. In their new campaign, the charity is calling on the government to prioritise prevention for women rather than criminalising them and cutting them off from their communities in prison. Though there may be a “very small number of cases” where a woman at risk to the public needs a secure environment, most need community-based support services that won’t separate women from their families and friends.

4.2.3 Paganism MoJ response to a Freedom of Information request

More than 1,000 prisoners have recorded Paganism as their religion, making it the fourth-most popular faith in jails. There are also 14 officially registered as Satanists. Every prisoner may register their faith in prison records and can attend prayer services or meetings with a chaplain of their religion and are allowed religious items. For Pagan prisoners these include incense, crystals, rune stones, a pentagram necklace, and a wand. In March 2023, 45% identified as Christians, 18% Muslims, 2% Buddhists and 1.4% Pagans. The fifth-biggest religion was Rastafarianism (0.9 %). Other religious groups including Hindus, Sikhs, and Jews each numbered fewer than 600. A Prison Service document states that sub-groups within Paganism include Druids, Odinists, Shamans, and Wiccans (witchcraft). The Pagan faith adviser to HMPPS said in 2015: “The Pagan Federation has worked hard over the years to make sure that Pagans in prison have the freedom to practice their religion without prejudice.” There are 74,000 Pagans according to the 2021 census (0.1%) so compared to the general public, prisoners are 10 times more likely to be Pagans.

4.3 Probation

4.3.1 What to do about probation? Extract from article by Howard League

We have heard a lot about prison overcrowding over recent weeks but there is overcrowding in probation too. And that matters, because the service is going to be asked to do more in the future. The Justice Secretary has made a welcome commitment to recruit 1,000 more trainee probation officers but acknowledged that this is not new investment but a redeployment of resources earmarked to build new prisons. In the meantime, what does probation reform look like? The Howard League is clear that the probation service should be delivered within a localised structure and with independence from the prison service but this will take time. What could ministers do right now about probation caseloads and ensure that probation is equipped to be the ‘ultimate guarantor of public safety’? Probation currently seconded a significant number of probation officers to prisons but a joint inspection of this model found it was “simply not working”: “Despite transfer of almost 800 probation officers to roles in prisons, we found very little added value from these posts. They had little direct contact with prisoners and were not clear about their roles and responsibilities. Handovers to ‘community offender managers’ were often of poor quality and little work was completed to prepare prisoners for their resettlement. We found little contact with prisoners, to work with and complete sentence planning with them”. These staff could be redeployed within the community as work to prepare people for release from prison can be done just as effectively, if not more so, beyond the prison gates. To deploy so many probation officers in prison when community workloads are so high is just irresponsible.

4.3.2 The quality of pre-sentence information and advice provided to courts HMIP

Research & Analysis Bulletin

The conclusion is that less than half of all inspected court reports were deemed to be sufficiently analytical and personalised to the individual, supporting the court’s decision making. Key findings included:

- Notable quality differences between the types of court report - oral reports met the overall quality judgement in about 4 out of 10 cases, short format reports in half, and standard delivery reports in more than 6 out of 10
- Sufficient time was needed for high-quality reports to build a sufficiently complete picture of an individual, support judges and magistrates to make well-informed and tailored sentencing

decisions, lay the foundations for effective post-sentence delivery and help to minimise the potential for error and bias

- Court reports for those from a BME background were less likely to be deemed sufficiently analytical and personalised, supporting the court's decision making
- Comparing the data with 2020, the main area of deterioration was the information and advice drawing sufficiently on all available sources of information, including child safeguarding and domestic abuse information

4.3.3 Approved premises *Extract from Guardian article*

The MoJ has cut the length of time high-risk offenders such as freed rapists and murderers spend under supervision in government-approved hostels. The staff union, NAPO, have been told that because of plans to release thousands of prisoners under early release schemes, the maximum stay has been cut from 12 to 8 weeks. This raises serious questions around public safety: "Approved premises are vital to supporting high risk of harm people coming out of prison. This will put further demand on practitioners to find 'move on' accommodation for cases and reduces the robustness of release plans in terms of public protection." There are more than 100 approved premises that supervise about 2,000 criminals considered too dangerous to release straight into the community. Staff are expected to monitor and manage the risk posed by their residents and help them find jobs, accommodation and provide activities intended to help with reducing reoffending and reintegration into society. The MoJ said the changes were a result of "significant pressure" on the justice system and would apply only to carefully assessed lower-risk offenders in the approved premises cohort, considered on a case-by-case basis.

4.4 Youth Justice

4.4.1 End Child Imprisonment *Review from a coalition of leading charities*

This argues that the failure to provide a safe and constructive regime for children in prison is an endemic problem and can only be resolved by transferring the responsibility for children who have to be deprived of their liberty from the MoJ to the Department for Education. The establishment of a distinct secure estate for children has been government policy for nearly 25 years and over that time the number of children in custody at any one time has decreased significantly – from 3,000 at its high point in the early 2000s to under 450 today. But the majority of children are still detained in institutions whose history, culture and practices originate and in many respects replicate the confinement and punishment of adults. Only 19% of children in custody today are living in secure childcare establishments; the remainder are in prisons. Moreover, despite successive promises of transformation, children in prison continue to experience significant harm and neglect. The report calls on the new government to acknowledge that child imprisonment in its current state is intransigently resistant to reform and asks "for urgent government action"

4.4.2 Young adult offenders *Transition to Adulthood Alliance letter*

This identified 5 key young adult priorities for the Incoming Government:

- A comprehensive cross government *young adult strategy* that will connect agencies across health, education, employment, and housing to ensure no young adult is left behind
- *Young Adult Probation Hubs* to offer a holistic package of support to young adults based on trauma-informed practice and young adult first approaches. Access to all the support they need would be in one place including mentoring, housing, and education
- *Commissioning young adult services from the voluntary sector* who can do this in a way that statutory services cannot
- *Problem solving courts for young adults* These specialist courts could be established without legislative change as young adult cases could be heard by judges with experience of dealing with 10–17-year-olds. There would be a focus on maturity in relation to the context of the offence and allow opportunities for young adults to engage with magistrates and professionals about their progress.
- *Police led young adult diversion from justice service* Every locality should have pre-court diversion initiatives specifically designed for young adults as research shows that formal processing can be ineffective for low level offending.

5. Other issues

5.1 Children stop & search *report by the Children's commissioner*

Black children are four times more likely to be strip-searched by police officers than their white counterparts. Key findings included:

- children under 15 are more likely to be subjected to intimate searches with only 45% conducted in the presence of an appropriate adult
- 88% of searches were trying to find drugs
- children as young as 8 have been strip-searched every 14 hours by police with more than 3,000 intimate procedures conducted on children between January 2018-June 2023.

The police responded: "Too many strip searches carried out are unnecessary, unsafe and under-reported. The research serves as a stark reminder that this is not an isolated issue in the capital. A much higher threshold should be met before a child is subjected to what we know can be a traumatising search." The Home Office says strip searches play an important role in protecting the public and that strict safeguards are in place.

5.2 Homelessness

5.2.1 NAO report on the last government's attempts to tackle homelessness in general.

The NAO said that despite a range of measures introduced under the Conservative administration in 2018, homelessness had soared, with record numbers of families now trapped in unsuitable accommodation. A combination of sky-high rents, insecure tenancies, housing benefit cuts and severe shortages of social housing were fuelling the problem, which was costing the taxpayer £2.4bn a year and threatening to bankrupt district councils. The number of households accepted as homeless by their local council has risen by 23%. The NAO said the government had failed to get a grip on the poor quality of temporary housing endured by many homeless families, with local authorities increasingly forced to book households into B&Bs and hotels to meet overwhelming demand. The NAO said: "The situation has worsened since we last examined the issue in 2017. Despite the introduction of the Homelessness Reduction Act in 2017, homelessness numbers are at a record level and expected to increase."

5.2.2 The number of people released homeless from prison jumped by 31% last year.

There were 9,210 people released homeless from jails (13% of the total released). The increase comes despite initiatives intended to prevent homeless releases, including the Community Accommodation Service Tier 3 (CAS3) scheme, operated by the Ministry of Justice, which provides temporary accommodation for up to 84 nights for people who leave prison without a home to go to. The number of women released from prison with no fixed abode increased by 48% to 660. The number of men and women who were sleeping rough 3 months after being released was 3,375, 45% higher than in the previous year. Lord Timpson, the Prisons Minister, told the House of Lords in his maiden speech that a settled home and job are key to ensuring that people do not reoffend after leaving prison, and that without a fixed address, work is hard to come by. Those without a home are far more likely to end up back in prison. For women, homelessness leaves them at great personal risk. At a time when the Government is planning to release 5,500 prisoners early in September and October in an emergency measure to tackle the capacity crisis in prisons, pressure to find accommodation for them will become an urgent priority. People are 50% more likely to reoffend if they are homeless, so it is likely many people released early into homelessness will return to prison and the opportunity to free up space in the prison system will be wasted.

5.3 IPPs

5.3.1 Parole Board annual report 2023/24

In the past 12 months, the Parole Board rejected 75% of applications brought by IPPs to have their lifelong licences terminated. These were brought under the current system of IPPs applying to have their licence terminated 10 years after they are first released from prison. Reluctance to grant them suggests that a forthcoming rule-change, which will allow applications to be made 3 years after first release, may have only a limited impact. Whilst the Parole Board gave no explanation for the high

level of refusal, the family campaign group said it seemed to be due to the present system being reliant on probation to make a positive recommendation for a licence to be terminated. According to them, some probation officers may either be inexperienced or unfamiliar with the comparatively new process. Also, many are not legally represented, so their cases may be inadequately presented. The group claims that the current recall system is overly proscriptive, so many out on licence find themselves recalled at some stage for minor breaches of their conditions. Even though they may later be rereleased, the recall episode may count against their application for licence termination. Under the new system, introduced in the Victims and Prisoners Act 2024, licences will automatically be terminated unless the Parole Board is presented with evidence that such a termination would be against the public interest which “will change the burden of proof from the applicant proving they are no longer a danger, which is always difficult, to the Probation Service having to prove that terminating the licence would be unsafe.” The Parole Board states in its report that it is “aware of the feelings of frustration and loss of hope felt by some prisoners serving the IPP sentence, and we are determined to do all that we can to undertake timely reviews and to safely progress IPP prisoners, while maintaining our overarching commitment to public protection.”

5.3.2 Joint letter from more than 70 campaigners, trade unionists, activists, lawyers and civil society representatives

This argues that swift and decisive action to resolve the IPP scandal once and for all is both the right thing to do and would help the government resolve the immediate population pressures facing the prison system. Given the urgency of the situation, the Labour Government is asked to undertake to do the following, within the first 100 days of the new Parliament:

- Bring all the IPP-related provisions in the Victims and Prisoners Act 2024 into force
- Publish the first annual IPP report, which was due to be published by the end of March 2024
- Make a ministerial statement to Parliament, setting out plans and a timetable to address all the outstanding challenges affecting those IPPs
- Commit to set up an expert committee (recommendation of the former Justice Select Committee), to advise on the practicalities of a resentencing exercise, with the aim of beginning this within 18 months

The letter also highlights the devastating impact the IPP sentence has had. Already this year, three coroners have linked this to the tragic suicides of prisoners. Only last month, one IPP prisoner set himself alight in his cell; another began a second hunger strike.

5.4 New legislation

The King’s Speech sets out the legislation ministers anticipate passing over the next year. Overall, 42 bills and draft bills were announced in the speech, of which five are likely to be of particular interest to the CJ voluntary sector including:

Crime and Policing Bill “to strengthen community policing and give the police greater powers to deal with anti-social behaviour”, to halve serious violence and increase confidence in policing and the CJS by:

- ensuring law enforcement agencies perform to the highest standards
- expanding the powers of HMI Constabulary and Fire & Rescue Services to intervene in failing police forces, and bringing in higher mandatory national vetting standards across police forces
- introducing new “Respect Orders” for adult persistent offenders, creating a duty for local partners to co-operate to tackle anti-social behaviour, and every LA to have an ASB lead
- creating a new specific offence of assaulting a shop worker and introducing stronger measures to reduce “low level shoplifting”
- strengthening the law around child criminal exploitation, and bringing together services to support young people considered to be at risk of offending
- ensuring the police have the capability to “respond robustly to domestic abuse, rape and other sexual offences”, as well as changing the law to improve the police response to spiking

Victims, Courts and Public Protection Bill to strengthen support for victim and “put the needs of victims first” by:

- reducing court delays, and ensuring victims are able to “get the support they deserve”

- strengthening the Victims Commissioner’s powers to hold the system to account for the needs of victims not being met
 - requiring people convicted of offences to attend their sentencing hearings
 - restricting parental responsibility for people convicted of child sexual offences
 - implementing restrictions on people convicted of sexual offences from changing their name.
- Mental Health Bill* to “modernise the Mental Health Act 1983 so it is fit for the twenty first century” so “patients have greater choice, autonomy, rights, and support, and make sure all patients are treated with dignity and respect throughout their treatment”. Changes include:
- removing police stations and prisons as places of safety
 - supporting people with convictions who have severe mental health problems to access the care they need as quickly as possible
 - improving the management of patients subject to a restrictions order for public protection
- Renters’ Rights Bill* to “give greater rights and protections to people renting their homes, including ending no fault evictions and reforming grounds for possession” by:
- giving people who rent greater security and stability in their tenancy so they can stay in their homes for longer and reduce the risk of homelessness
 - abolishing section 21 “no fault evictions” with new clear and expanded possession grounds introduced so landlords can regain their properties when they need to, and give tenants greater rights and protections by empowering them to challenge rent increases designed to force them to vacate the property
 - applying a “Decent Homes Standard” to the private rented sector
 - supporting quicker, cheaper resolution when there are disputes to prevent them escalating to court proceedings
 - making it illegal for landlords to discriminate against tenants in receipt of benefits or with children when letting their property.

5.5 Sentencing

Centre for Crime and Justice Studies report

The law on joint enterprise, where two or more defendants are accused of the same crime in relation to the same incident, has led to overcriminalisation, over punishment, discriminatory outcomes and convictions where there is no compelling evidence of intent. Labour is being urged to fulfil its pledge, made in opposition, to reform the law on joint enterprise, which is causing “systemic injustice”. Joint enterprise has a wide scope, but has long raised concerns, particularly about murder and manslaughter convictions in which minor players on the periphery of a crime are tried and convicted as if they were the perpetrator. The report says the current law leads to “an absence of rigour, quality, and precision as to the role of each defendant”, fails to set clear parameters for juries, and particularly affects young Black men and teenagers, who are most likely to be labelled and stereotyped as gang members. It says the status quo “leaves the state unable to confidently assert that only those truly responsible are being convicted”. The MoJ said: “We are aware of concerns that these prosecutions may disproportionately affect some communities. However, it is important that those who do commit crimes are brought to justice. We are keeping this matter under review and will consider changes to the law where necessary.”

5.6 Victims

Report by the Victims’ Commissioner

Based on powerful testimonies, this explores more than 3000 victims’ experiences with and perceptions of the justice system. The findings reveal considerable victim dissatisfaction with CJ agencies, like the police and CPS, and a lack of confidence in the CJS overall. Key points include:

- 45% of disabled victims were dissatisfied and less likely to report a crime to the police again, as were younger people and certain ethnic groups, increasing the risk for a cycle of under-reporting. Evidence suggests that disabled victims are more likely to have crimes committed against them

- While victims' experiences of police are mixed and could be improved by more thorough and timely investigations and better communication. 71% said they would report a crime to the police again
- Victims' services can be invaluable but more victims need to be referred and timely and tailored support should be available to all victims
- Victims' experiences of the courts and CPS vary considerably. Overall, they could be improved with fewer delays and better provision of support and information
- Most victims lack confidence in the fairness (62%) and effectiveness (73%) of the CJS
- Only a small minority of victims were aware of the Victims' Code of Practice and the rights it gives them:

The report contains 15 recommendations that are grouped into three overarching aims aimed to improve:

- the delivery of Victims' Code rights
- victims' experiences of support services
- victims' experiences of the criminal justice system

5.7 Violence against women and girls (VAWG) National Police Chiefs' Council analysis

2m women are estimated to be victims of violence perpetrated by men each year in an epidemic so serious it amounts to a "national emergency", police chiefs have warned. Crimes including stalking, harassment, sexual assault and domestic violence affect one in 12 women with the number of recorded offences growing by 37% in the past five years and the perpetrators getting younger. Police chiefs also warned of young men being "radicalised" online by influencers such as Andrew Tate. They demanded technology companies act more quickly to take down extreme material. Keir Starmer has promised to halve violence against women and girls within a decade, with taskforces in each police force including specialist domestic abuse workers responding to 999 calls. The report said:

- 1 in 6 homicides are linked to domestic abuse
- 20% of all police-recorded crimes, more than 1m offences pa, count as VAWG. The true total is estimated to be twice as high
- Recorded cases increased by 37% between 2018 and 2023 (now 3,000 offences a day)
- Perpetrators are getting younger, dashing hopes that violence against women may reduce markedly as time passes
- Child sexual abuse and exploitation increased by more than 400% between 2013 and 2022. Offences committed by children increased to 55.6% of the total. The average age of victims is 13, with suspects averaging 15 years old

The police national lead said: "Violence against women and girls is a national emergency. We need the support and direction of government to intervene and address the current problems within the CJS and lead the way on a whole-system approach." Part of the increase was being driven by extreme material on the internet. There had been an increase in non-fatal strangulation among younger people, with men believing it was part of a normal sexual relationship, without women's consent." "Misogyny is inherent in some of the ways of working that are behind these crime types, behind boys growing up and their use of violence. This is why the online threat is so significant for us." The fastest-growing groups of domestic abuse offenders and victims of domestic abuse are those aged 16 to 19. Police privately say delays in bringing domestic abuse prosecutions mean most victims withdraw support for a prosecution after seven days. Police now say VAWG should be treated as seriously as terrorism. They are setting up a national centre to improve results, with 43 forces having a multitude of approaches. They promise better training and say reforms are already bringing more offenders to justice. The safeguarding minister, Jess Phillips, said: "The scale of violence against women and girls in our country is intolerable and this government will treat it as the national emergency that it is."