

A Journey of HOPE

A Catholic Approach to Sentencing Reform

“Establishing a criminal justice system that works and offers a genuinely rehabilitative environment does not constitute a soft approach to crime”



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Foreword

“Across England and Wales prisons are struggling to cope. They are characterised by poor living conditions, high levels of violence and self-harm, widespread use of psychoactive drugs, and prisoners being left in their cells for up to 22 hours a day.

These conditions are not only undignified but also present a huge obstacle for offenders seeking to turn their lives around. If there is no improvement, rates of reoffending will inevitably remain high, to the detriment of our whole society.

There have been many welcome and insightful reports in recent years calling for reforms, from Dame Sally Coates’ review of education to Lord Farmer’s findings about the importance of family ties. The Government has been receptive to calls for change. However, it is becoming increasingly clear that the impact of these reforms will remain limited while the prison population continues to grow and resources continue to be reduced.

Despite evidence that community sentences are more effective, many people who have committed non-violent crimes are still sent to custody for short sentences that only serve to disrupt their lives. Meanwhile over the last decade, the average lengths of medium-to-long term prison sentences for the same offences have actually increased leaving more people locked up for longer.

All this has created an unsustainable prison population in a custodial estate which cannot possibly provide a safe, decent or rehabilitative environment. Put simply we are locking up far too many people than we can reasonably care for or help to turn their lives around.

I believe that this is a critical moment for the government to act decisively by reforming existing policy around sentencing.

Drawing upon the legal, political, and academic insight of a range of experts, as well as input from those who have worked in the prison service, this report sets out some meaningful ways in which sentencing policy can be reformed in England and Wales. I would like to thank these expert contributors to this report for giving their time so generously.

The report also recognises the role that the Catholic Church itself must play in changing public attitudes around offenders and the use of prison.

I hope that it will serve to widen and inform the debate around sentencing in this country and contribute to finding the solutions we desperately need to improve our criminal justice system.”

Rt Rev Richard Moth
Lead Bishop for Prisons

A Journey of Hope:

A Catholic Approach to Sentencing Reform

Addressing women prisoners during his visit to Chile in January 2018, Pope Francis stated: “Today your freedom has been taken away, but that is not the last word. Not at all! Keep looking forward. Look ahead to the day when you will return to life in society”. He went on to say, “we all know that, sadly, a jail sentence is very often simply a punishment, offering no opportunities for personal growth ... On the contrary, those initiatives that offer job training and help to rebuild relationships are signs of hope for the future”.

In 2016 the Catholic Bishops’ Conference of England and Wales produced *The Right Road: A Catholic approach to prison reform*.¹ The message and recommendations set out in this report remain highly relevant today however it has become increasingly clear that with a growing prison population, a shortage of staff, and a record rise in violence and self-harm, a more fundamental change to our criminal justice system is required. It is time for us to consider how we use prisons in our society by evaluating our current sentencing practices.

No discussion about sentencing policy will ever be straightforward. There are numerous complex and interwoven factors that form the context in which current practice is exercised and the technical sentencing process is in itself formed of numerous stages. Nonetheless, we must be bold in exploring the questions that lie at the heart of our criminal justice system, namely how we respond to crime and what will best serve the interests of victims, offenders, and wider society alike.

The values that underpin this report are hope, forgiveness, and reconciliation. The recommendations set out draw on the input of a wide range of experts and are designed to challenge not only those directly involved in the sentencing process and those who are politicians and policy-makers but also the views of those within the Catholic community, as well as those of society more generally. Any significant changes in the area of sentencing will require a shift in public perceptions and our own communities must evaluate robustly how they view offenders and how they understand prison.

A. The Role of Prison – *Changing Public Perceptions*

First and foremost, the criminal justice system must meet the needs of victims, recognising the wounds left by crime and appreciating the legitimate desire for justice felt by those who have been wronged. It must also deter people from committing crime in order to reduce the number of victims in the future. In 2004, the Bishops Conference recognised that ‘greater awareness of the physical and psychological problems of victims is needed from all citizens, most particularly those who come into contact with victims of crime either through official agencies or as employers, landlords, neighbours, and friends’.² The Catholic Church in this country should reflect anew on the ways it can improve its support for victims of crime.

No authentic evaluation and reform of sentencing policy must ignore the voice of victims. It is essential that victims are involved in the process of building a more humane criminal justice system. The Church’s role in this, as well as that of other groups, is to accompany victims of crime by helping them to discover that it is ultimately forgiveness not retribution that brings healing. A greater voice must be given to those victims of crime who have chosen to forgive and who wish to dedicate their efforts to promoting hope and reconciliation in the communities around them. It should also be considered that a large number of those in prison have themselves been victims of crime. In the case of women in prison, many are victims of more serious crimes than those of which they have been convicted. This should be reflected in the services provided within prison that help individuals to understand the nature and causes of their offending.

One practical way in which faith-groups might be able to accompany victims is to support a process of dialogue between victims and offenders through the facilitation of restorative justice. There is considerable evidence to demonstrate that restorative justice provides both a positive experience for victims of crime and that it has a clear impact on rates of recidivism among offenders.³ However, it is also important to consider that especially for those beavered by the violent actions of others or for those who have been effected by serious crime, the concept of restorative justice can be difficult to comprehend. Equally, some participants have had a negative experience in which offenders appear to be more interested in reducing their sentence than striving for genuine reconciliation. The Government should work to improve access to restorative justice for victims, integrating it more effectively into the sentencing process, but it should do so in close collaboration with victims and victim support groups.

In any review of sentencing practice, it must always be borne in mind that while in many cases culpability for crime is reduced by a variety of complex factors such as poverty, family breakdown and mental health problems, some people make a choice to continue committing crime and do not make the most of opportunities for rehabilitation. In such cases, while efforts must still be made to address underlying societal issues or the circumstances that affect the person concerned, it must be recognised that custody is sometimes viewed by sentencers as the only remaining outcome available to them.

The criminal justice system has a role to play in assuring members of the general public that they are safe. The Church recognises that some criminals are dangerous and a threat to public safety. In such cases prison may be the most appropriate option, although secure psychiatric units are likely to be more appropriate and beneficial to rehabilitation for those with serious mental health issues.

It is important to recognise that a disproportionate fear of crime among the public can be stoked by excessive and sensational journalism that places an undue focus on exceptional cases. Additionally, a punitive political culture can result in the view that harsher sentences are the only way to tackle crime.

Journalists, politicians and faith-groups should be vigilant in challenging penal populism. Members of the public should be encouraged to question various traditional views around offenders and the effectiveness and appropriateness of prison. There is a unique role for faith-groups in challenging the perceptions of their members. Christians have an unbroken history of visiting prisoners following Christ's explicit command to do so.⁴ The Catholic community in this country should reflect deeply on new ways in which it can strengthen the links between parishes and local prisons. This in turn will require parishioners to reflect anew on the complexities that lead people to crime and the difficult reality of prison life.

There are also key practical ways in which churches can increase their involvement with the rehabilitation of offenders. This would further facilitate changes in perception. The Probation Service in England and Wales has historic roots in the work of church organisations. As the Probation Service comes under increasing pressure, it is time to ask what further role faith-groups and other voluntary organisations might play in supporting the work of the Probation Service. If a robust approach to safeguarding is guaranteed, the parish setting could provide a supportive environment for ex-offenders trying to turn their lives around. Additionally, the Church should encourage and nurture those who feel called to work with offenders and ex-offenders, pointing out the range of possibilities, including occasional volunteering, service in chaplaincy, or professional work as a prison or probation officer.

Options should be explored as to whether parishes may be able to provide new opportunities for employment, education, and reintegration for those released on license or those serving a community sentence. This would serve to break down barriers and improve public confidence in non-custodial sentences, whilst reminding society that committing a crime does not remove from a person their innate human dignity. A public re-evaluation of perceptions about crime and punishment must underpin any review of sentencing practice, and faith groups have a key role to play in challenging traditionally held views about offenders and the best way to respond to them. Those who commit crime are part of our communities – our neighbours, friends, children and parents – and the Church's message should challenge perceptions by placing a renewed focus on forgiveness, mercy, and compassion.

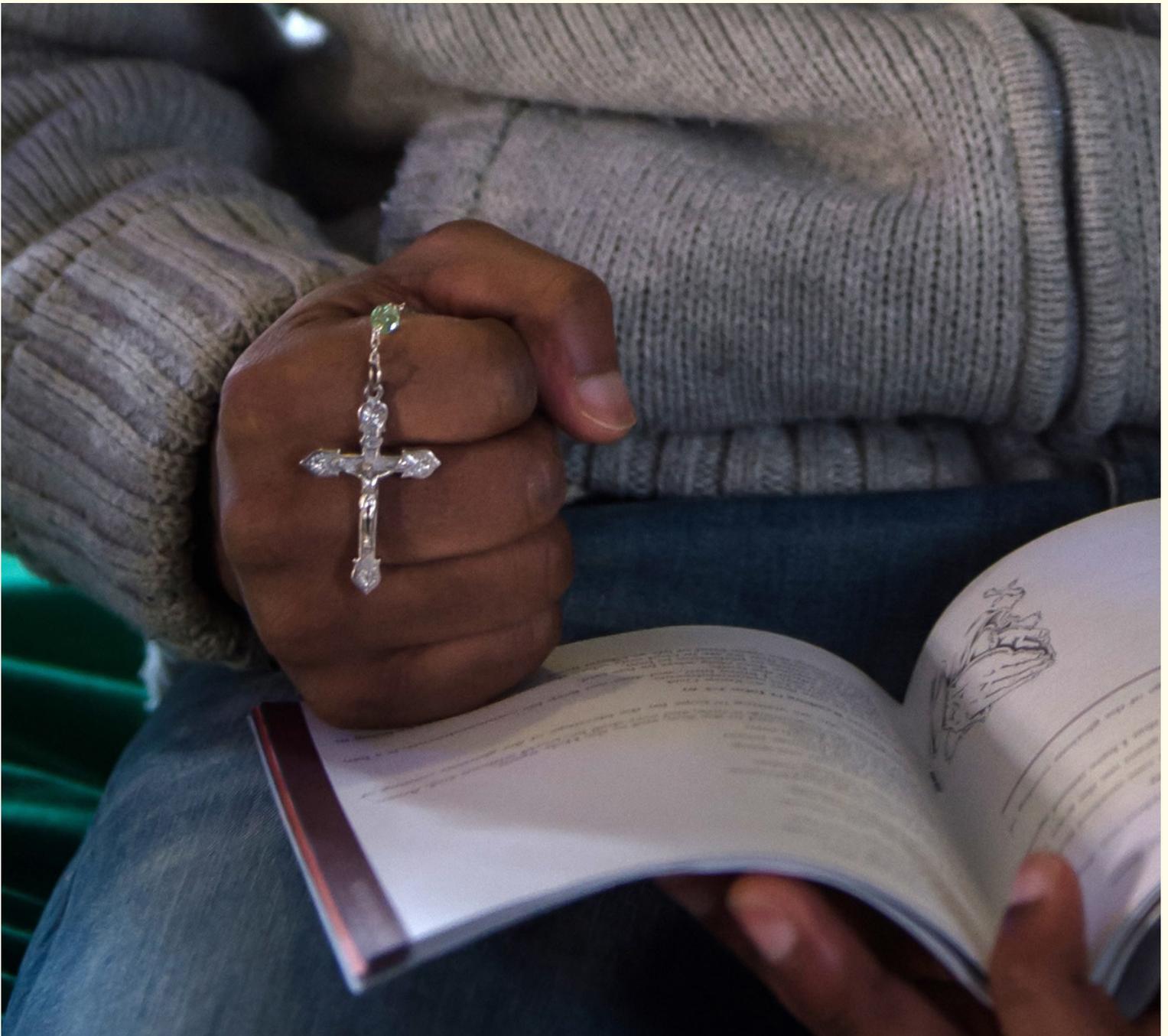
Recommendations

- i. Meeting the needs of victims must be at the heart of criminal justice – *the Catholic community should examine how it supports victims of crime*
- ii. Restorative justice has the potential to help victims and reduce crime – *the Government should work closely with victims and victim support groups to improve access to restorative justice*
- iii. Public perceptions of offenders need to be challenged – *the Catholic community should reflect and build upon the links that exist between parishes and prisons*
- iv. Faith-groups have a greater role to play in rehabilitation – *the Catholic community should explore options with the Probation Service for developing rehabilitative programmes within parishes*

“I DO NOT SEE THE BENEFIT OF A CRIMINAL JUSTICE SYSTEM WHICH SEEKS ONLY RETRIBUTION FOR CRIMES AND NOT TO REFORM CRIMINALS”.

(Barry Mizen, co-founder of For Jimmy)

After losing their son to a violent crime, Barry Mizen and his wife Margaret went on to set up For Jimmy, a charity in memory of their son which seeks to promote the values of hope and redemption among local communities.



B. An Unsustainable System – *Reducing the Prison Population*

England and Wales now has the highest imprisonment rate in western Europe and the prison population has risen by 77% over the last 30 years. This is despite a noticeable fall in recorded crime within the last decade. Neither is the prison population anticipated to decline in the near future, with a projected increase of 1,600 prisoners by March 2022. A key reason behind this trend is an increase in the average custodial sentence length for indictable offences from 31.7 to 57.1 months over the last 10 years.⁵

Our prisons can no longer cope with current levels of pressure. This is because whilst the prison population has remained at a consistently high level over the last 8 years, since 2009/10 funding for prisons has been reduced in real terms. To build a more humane criminal justice system, the Government must either substantially increase funding or significantly reduce the prison population. A clear cost-effective way of achieving the latter would be to curb ongoing sentence inflation.

There are multiple areas where change will need to occur if the average length of custodial sentences is to be brought down, from Parliament, to the Sentencing Council, to the Judiciary and Magistracy. It is clear that widespread reform is needed, for it is surely immoral to continue sending offenders to prison as we currently do if we cannot provide an environment that is safe, decent, and rehabilitative.

The view often expressed by the Government is that sentencing is wholly a matter for the Courts and the Sentencing Council. However, without political initiative there will be no consistent change in approach towards sentencing. Parliament has a decisive role in determining sentencing practice through the changes it makes to the law. Greater consideration should be made during the passage of legislation on the impact to the prison population of introducing new offences or revising sentence lengths for existing ones.

With very few exceptions, the Judiciary will follow the guidelines produced by the Sentencing Council when determining a sentence. These guidelines are produced within the current context of the law but there is no stated aim within the Sentencing Council to curb sentence inflation by occasional revisions of these guidelines. Furthermore, while the Council is required to assess the impact of their guidelines, such evaluations are arguably limited in their scope.⁶

The Government should consider revising the statutory duties of the Sentencing Council so that it is required to carry out a periodic review of sentencing trends in relation to specific offences. This would assist with determining the causes of sentence inflation and improve the effectiveness of guidelines in reducing such inflation. This process may also identify areas where existing sentencing guidelines or the law require amendment.

Parliament has some influence on the production of sentencing guidelines, particularly through the Justice Select Committee, which is a statutory consultee. The Committee has often performed its role effectively in identifying weaknesses in draft guidelines and in recommending appropriate revisions, but there is scope for greater scrutiny of the Sentencing Council's process for producing guidelines. For example, public awareness of the Sentencing Council is limited and more resources could be dedicated to educating the general public about the process of sentencing. This would serve to bring clarity to offenders, victims, and members of the community about the actual implications of specific sentences, particularly regarding factors determining the date of release from custody.

Both Government and Parliament have a significant influence over sentence lengths and thus the size of the prison population by the changes they make to legislation. A desire to appear tough on crime often results in increases to sentence lengths or the introduction of new sentences for fresh offences. These changes, which contribute to a growing prison population, are not always matched by an appropriate increase of resources to the criminal justice system.

While the demand for justice in the face of serious crime is reasonable, both Parliament and those campaigning for harsher laws should consider the effects of overcrowding in prisons, and whether sending more offenders to custody for longer is the best way to tackle crime. Establishing a criminal justice system that works and offers a genuinely rehabilitative environment does not constitute a soft approach to crime. Reforms to sentencing can often be seen as controversial and opposing them can be seen a quick and easy way of gaining public popularity. Any party in opposition should always consider the full implications of using penal populism as a means to gain political capital.

One further area of reform that the Government should consider is a reduction in the use of short-term custodial sentences and greater investment in alternatives to custody. Despite the evidence that community sentences are more effective at reducing reoffending than time in prison, their use has declined steadily over the last decade.⁷ While the proportion of the prison population at any one time serving short prison sentences is relatively small, the frequent use of custodial sentences over community orders places an unnecessary strain on prison resources.

In Scotland crime is at a 42-year low and reconviction rates are at an 18-year low. The Scottish Government is also carrying out an ambitious reform of sentencing practice, which has included the introduction of a presumption against sentences of less than three months in the Criminal Justice and Licensing Act 2010. After a recent consultation, in which 85% of respondents favoured an extension, the Scottish government is now introducing a presumption against sentences of less than twelve months. The Scottish approach to criminal justice should be examined in greater detail and it should be considered whether there are lessons that could be applied in England and Wales.

Recommendations

- i. Sentencing inflation needs to be curbed - *the Sentencing Council should be required to periodically review sentencing trends in order to identify and prevent sentencing inflation*
- ii. When sentences become tougher, pressure on prisons increases - *the Government should commit to matching changes in criminal law with appropriate increases to levels of funding for HMPPS*
- iii. Community sentences are used less and less despite their proven success- *the Government should introduce a presumption against short custodial sentences and facilitate the increased use of alternative community sentences*

OVERCROWDING AND STAFF SHORTAGES HAVE A NEGATIVE KNOCK-ON EFFECT ON EVERY ASPECT OF THE PRISON SERVICE, NOT LEAST ON THE AMOUNT OF TIME PRISONERS SPEND OUT OF THEIR CELLS. A PRISONER WANTING TO ATTEND A WEEKLY RELIGIOUS SERVICE REPORTED: “I STOPPED GOING BECAUSE MOST WEEKENDS I WAS BANGED UP SO WHEN I DO GET OUT I NEED TO SHOWER AND PHONE FAMILY.” ANOTHER STATED “I MISSED MY FIRST TWO OPPORTUNITIES TO ATTEND MASS AS I WAS NOT RELEASED FROM MY CELL.”

(Belief and Belonging, 2016)



C. Effective Rehabilitation – *Determining the Right Sentence*

Our criminal justice system must take into account the complex needs of those who offend and recognise the factors that drive people to crime; it must consider the damaging impact that overcrowded and violent prisons have on those sent to them; and it must bear in-mind the knock-on effect that prison sentences have on the families of offenders who are often forgotten victims.⁸

Using sentencing guidelines, the Judiciary determines the appropriate sentence for an offender taking into account a range of factors. This process is informed by a Pre-Sentence Report (PSR) which is produced by the Probation Service with the support of the Crown Prosecution Service. This report must include an assessment of the nature and seriousness of an offence, as well as the impact on a victim. The National Probation Service (NPS) is responsible for producing PSRs. When a case is referred to a Community Rehabilitation Company, the report produced by the NPS is in turn used to inform sentencing planning.

The Inspectorate of Probation found recently that the requirement for a speedy delivery of sentences has ‘reduced the prospect that assessment undertaken at court will also be adequate for the purposes of managing risk and addressing need through the supervision of a community sentence’. This means that Community Rehabilitation Companies (CRCs) are less likely to produce effective sentencing plans.⁹ If CRCs continue to develop inadequate sentencing plans, then confidence in community sentences will continue to diminish and there will be an increasing reliance on the use of custody. The Government should review how PSRs are produced and should establish regulations that ensure appropriate levels of detail, including information about background, motivation, complex needs, and caring responsibilities, are included in such reports. This would in turn help CRCs to produce effective sentencing plans.

Consideration should also be given as to how to better equip judges and magistrates to properly take into account the background, motivation, and complex needs of those they are sentencing and to have a fuller appreciation of the effects that a sentence has on an offender and their family. The Lammy Review has made a number of useful recommendations in this regard. For example, its suggestion that magistrates follow an agreed number of cases in the youth justice system from start to finish, in order to ‘deepen their understanding of how the rehabilitation process works’.¹⁰ There is also scope for developing new opportunities, such as training days, for judges, magistrates, and lawyers to deepen their understanding of the complex issues surrounding offending. Groups that work closely with the families of offenders should be involved in any such educational programmes. To achieve this the Government should work with legal professionals to explore suitable ideas.

For offenders who are particularly influenced by drugs and alcohol, there is great merit in the concept of Problem-Solving Courts (PSCs). PSCs work with offenders who have repeatedly committed non-violent drug and alcohol related offences but who have resolved to turn their lives around. The presiding judge in a PSC can implement a wide range of conditions whilst retaining the right to impose custody if an agreed regime is broken. The use of PSCs also creates an opportunity to trial innovative community based sentences, the lessons of which can be carried into wider sentencing practice.

There is compelling evidence to show the success of Problem-Solving Courts, with more than 3,000 operating in the US where there is evidence to suggest that repeat reoffending rates are reduced by the use of such courts. The Ministry of Justice has endorsed them on a number of occasions since the findings of a Problem-Solving Court Working Group were released in April 2016. Despite this there has been no systematic effort to pilot PSCs. The Government should revive its efforts to establish PSCs throughout England and Wales.¹¹

By reducing the number of offenders sent to custody, and thus the pressure placed on prisons, there would be greater scope for addressing the specific needs of prisoners and the root causes of offending. Those with drug addictions would be able to receive more effective treatment, those with mental health conditions would be able to receive better care, it would be easier to facilitate family contact and it would be possible for prison to become a more genuinely rehabilitative environment. Furthermore, a prison system which was not over-stretched would allow for more effective “through the gate” planning and support, as well as better provision of education within prisons to address often poor levels of literacy. In other words, breaking a negative spiral of overcrowding and reoffending could radically alter the criminal justice system and result in prisons that are safe, decent, and humane.

Recommendations

- i. Insufficiently detailed Pre-Sentence Reports negatively impact sentencing planning - *the Government should review the current process for producing PSRs*
- ii. Problem-Solving Courts meet the specific needs of offenders and result in innovative approaches to community sentencing - *the Government should pilot PSCs throughout England and Wales*
- iii. Increased opportunities for training would assist judges and magistrates in understanding the background of offenders and the impact of sentences on families - *the Government should work with the legal profession to explore new possibilities for training in these areas*



CUSTODY IS DEEPLY INAPPROPRIATE FOR VULNERABLE WOMEN AND CAN BE A VERY TRAUMATIC EXPERIENCE - BETTER ALTERNATIVES SHOULD BE MADE MORE WIDELY AVAILABLE. ONE YOUNG WOMEN WITH LEARNING DIFFICULTIES AND VARIOUS MENTAL HEALTH CONCERNS SET FIRE TO HER ACCOMMODATION AFTER FEELING SUICIDAL BECAUSE OF THE LOSS OF HER GRANDPARENTS. NO SUITABLE ACCOMMODATION WAS FOUND FOR HER SO SHE WAS SENTENCED TO 2 YEARS AND 8 WEEKS IN CUSTODY. THROUGHOUT HER SENTENCE SHE HAS BEEN CONVEYED CONFLICTING INFORMATION WHICH HAS MADE HER MENTAL HEALTH WORSE.

(Story provided by Joy Doal, CEO of Anawim)

Anawim is a Birmingham based charity that supports vulnerable women, including offenders and ex-offenders.



D. A Complex Population – *Supporting Specific Groups*

As well as reducing the overall prison population by a systematic reform of sentencing practice, other reforms need to take place to address the needs of specific groups. When considering how to improve sentencing practice, special consideration should therefore be given to groups that are overrepresented within the criminal justice system or for whom a custodial sentence has a disproportionate impact.

Women make up 5% of the total prison population, but the needs of women offenders are often more complex and there is scope for much improvement to the way in which women are sentenced. Around 46% of women in prison have reported suffering domestic violence and 53% have experienced emotional, physical, or sexual abuse during childhood.¹² Clearly, the traumatic effects of abuse need proper treatment and may not be addressed by placing women in custody. As the Independent Advisory Panel on Deaths in Custody has stated, there also needs to be increased focus on ‘early intervention and support for women whose offending is largely driven by histories of abuse and trauma’.¹³ A further point for consideration is that women are much more likely to be primary carers than men and if a mother goes to prison, in 9 out of 10 cases her children will need to leave their home to go into care or to live with relatives.

Despite the fact that 84% of women offenders have committed a non-violent offence, the number of community sentences has fallen by nearly half in the last decade.¹⁴ Introducing a presumption against short prison sentences would serve to reduce the number of women in custody. However, this should also be accompanied by greater investment as well as improved partnerships with voluntary organisations in order to provide community sentences that meet the specific needs of women, especially those with mental health concerns or those responsible for children. For example, women’s centres can provide an excellent environment in which to address complex needs. Furthermore, those who attend women’s centres are less likely to reoffend.¹⁵

Our criminal justice system is generally ill equipped to cope with the mental health conditions of some offenders. The National Audit Office has identified a number of systematic problems within prisons regarding the treatment of mental health conditions. For example, only 34% of those eligible for transfer to hospital are moved within the 14-day requirement.¹⁶ Substantial reform is required in this area and can only be more realistically achieved if it is accompanied by a reduction in the total prison population and by a marked increase in resources for both community-based and prison-based mental health provision.

A more specific concern is that prison is sometimes used inappropriately to detain those who have committed a crime because of their mental health condition. This is often the result of judges lacking psychiatric alternatives to custody. It is not appropriate to send someone with a severe mental condition into an environment that is unlikely to be able to provide appropriate care and which poses a real threat of causing further damage to a person’s mental health. The Government should work to ensure that such circumstances are avoided by guaranteeing funding for effective psychiatric interventions where they are needed and preventing the improper use of custody for those in need of specialist support.

The work of the Lammy Review into the treatment of Black, Asian, and Minority Ethnic individuals has revealed many concerning figures. With 25% of the prison population coming from a BAME background despite making up only 14% of the total population and BAME defendants being more likely to receive prison sentences for drug offences than white defendants, there are clearly structural problems that require immediate attention. The Lammy Review has also highlighted similar disparities among the Gypsy, Roma, and Traveller population, with the GRT population estimated to make up 5% of the male prison population, despite forming only 0.1% of the overall population.¹⁷

The Catholic Church welcomes the Lammy Review and the recommendations which the Government has agreed to take forward. It is clear that the Catholic Church, as well as other faith groups, has a key role to play in addressing the complex social injustices that lead to the overrepresentation of BAME and GRT people in the criminal justice system. Furthermore, they have a pastoral duty to support the members of these groups that are imprisoned. The Catholic Church in particular has strong links with the Traveller community. There is also room for wider ecumenical and inter-religious collaboration in building links with communities that feel isolated or rejected by the rest of society and which are thus overrepresented in the criminal justice system.

Recommendations

- i. Many vulnerable women are inappropriately serving a custodial sentence - *the Government should widen the availability of non-custodial sentences for women and increase the level of resources for women's specialist services*
- ii. Custody is wrongly used to detain some individuals suffering with severe mental health conditions – *the Government should provide sufficient funding for alternatives to custody for those with severe mental health conditions*
- iii. BAME and GRT people are overrepresented in the criminal justice system – *the Catholic community should consider what it can do better to support such disproportionately effected groups*

FAILING TO GIVE PRISONERS PROPER CARE IS NOT ONLY IMMORAL BUT DRAINS THE PRISON SERVICE OF RESOURCES AND MANPOWER. ONE PRISON CHAPLAIN RECALLED A YOUNG MAN PLACED ON CONSTANT WATCH IN A PRISON HOSPITAL: "HE WAS DIAGNOSED AS NEEDING TO BE IN A SECURE HOSPITAL AT A VERY EARLY STAGE, HOWEVER, DUE TO LACK OF FUNDING AND LACK OF BED SPACE THIS CONSTANT WATCH LASTED OVER TWO YEARS. DURING THAT TIME AN OFFICER, USUALLY ON OVERTIME, WAS WITH HIM 24/7. THIS DRAIN ON PRISON RESOURCES WAS A DIRECT RESULT OF THIS PRISONER BEING IN THE WRONG PLACE"

(Story provided by a Catholic prison chaplain)



Conclusion

There has been a common narrative in recent decades over how our society should respond to those who commit crime. In seeking to bring justice for those who suffer the impact of criminal behaviour, in wishing to keep our streets safe, and by desiring to vent our emotional reaction to the injustices committed by offenders, society has often responded to crime by demanding ever harsher sentences for an ever-greater number of offences. While all of these responses to crime are understandable, the facts show that greater use of prison is not always the most appropriate answer and is resulting in real harm to individuals, families, and communities.

There is currently an unprecedented crisis facing our criminal justice system and our prisons are failing society. Numerous reports demonstrate systematic failures within the prison system, from violence, to drug use, to self-harm and suicide. This means that offenders' chances for rehabilitation are severely lessened, resulting in frequent reoffending and reconviction after release. The case for a wide-ranging reform of sentencing practice is clear from both a long-term financial and practical perspective, as well as from a moral and humanitarian one. We must help offenders to return to the right road by building a system which enables them to do so. We have a duty to support both victims of crime and those who have offended by helping them to undertake a journey of hope, mercy, forgiveness, and redemption.

End Notes

¹ The Right Road: A Catholic approach to prison reform (Catholic Bishops' Conference of England and Wales: 2016)

² A Place of Redemption: A Christian Approach to Punishment and Prison (Catholic Bishops' Conference of England and Wales: 2004)

³ Victims' justice? What victims and witnesses really want from sentencing (Victim Support: 2010)

⁴ "I was in prison and you visited me." Matthew 25:36

⁵ Bromley Briefing (Prison Reform Trust: Summer 2018); Prison Population Projections 2017 to 2022 (Ministry of Justice: August 2017)

⁶ The Sentencing Council for England and Wales: brake or accelerator on the use of prison? (Transforming Justice: December 2016)

⁷ Bromley Briefing Prison Factfile (Prison Reform Trust: Autumn 2017)

⁸ Pact: <https://www.prisonadvice.org.uk/>

⁹ Annual Report (HM Inspectorate of Probation: 2017)

¹⁰ The Lammy Review (2017)

¹¹ What Happened to the Rehabilitation Revolution? (Centre for Social Justice: September 2017)

¹² <http://www.womeninprison.org.uk/research/key-facts.php>

¹³ Preventing the Deaths of Women in Prison (Independent Advisory Panel on Deaths in Custody: March 2017)

¹⁴ <http://www.womeninprison.org.uk/research/key-facts.php>

¹⁵ The Evidence at a Glance on Women's Centres (Prison Reform Trust)

¹⁶ Mental Health in Prisons (National Audit Office: June 2017)

¹⁷ The Lammy Review (2017)

A Summary of Recommendations

Meeting the needs of victims must be at the heart of criminal justice – the Catholic community should examine how it supports victims of crime

Restorative justice has the potential to help victims and reduce crime – the Government should work closely with victims and victim support groups to improve access to restorative justice

Public perceptions of offenders need to be challenged – the Catholic community should reflect and build upon the links that exist between parishes and prisons

Faith-groups have a greater role to play in rehabilitation – the Catholic community should explore options with the Probation Service for developing rehabilitative programmes within parishes

Sentencing inflation needs to be curbed - the Sentencing Council should be required to periodically review sentencing trends in order to identify and prevent sentencing inflation

When sentences become tougher, pressure on prisons increases - the Government should commit to matching changes in criminal law with appropriate increases to levels of funding for HMPPS

Community sentences are used less and less despite their proven success - the Government should introduce a presumption against short custodial sentences and facilitate the increased use of alternative community sentences

Problem-Solving Courts meet the specific needs of offenders and result in innovative approaches to community sentencing - the Government should pilot PSCs throughout England and Wales

Increased opportunities for training would assist judges and magistrates in understanding the background of offenders and the impact of sentences on families - the Government should work with the legal profession to explore new possibilities for training in these areas

Many vulnerable women are inappropriately serving a custodial sentence - the Government should widen the availability of non-custodial sentences for women and increase the level of resources for women's specialist services

Custody is wrongly used to detain some individuals suffering with severe mental health conditions – the Government should provide sufficient funding for alternatives to custody for those with severe mental health conditions

BAME and GRT people are overrepresented in the criminal justice system – the Catholic community should consider what it can do better to support such disproportionately effected groups



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