

Part 7 of the Police, Crime, Sentencing & Courts Bill

BACKGROUND: In Sept 2020 the 'Smarter Sentencing' White Paper appeared - the 18th piece of legislation on sentencing – despite there being was an unprecedented backlog of serious issues in our prisons and justice system to deal with.

It was not preceded by a Green Paper (which outlines ideas and proposals). There had been no consultation – criminal justice charities were outraged.

Then the White Paper suddenly morphed into something quite different – adding on an unprecedented increase in policing powers. It had become Part 2 of the Police, Crime Sentencing and Courts Bill 2021.

There has been a lot of outrage about Part 3 of this Bill on protest and Part 4 on 'unauthorised encampments' provisions, but very little criticism of the sentencing measures.

QICJ has called on Quakers in Britain to highlight QICJ concerns expressed below.

MEASURES in the SENTENCING SECTION (PART 7) INCLUDE:

- 1 Some changes in Automatic release** - 2/3 way through sentence, not half for serious crimes
- 2 Life sentence tariffs** – longer period before considered for release
- 3 Whole life Orders** for child killers (including 18-20 year olds) ie admits no possibility of redemption/turning round your life.
- 4. No automatic release of offenders who are thought to pose a terrorist threat**
- 5 Increasing the starting point for determining sentence length for 15-17 year olds** who commit murder, in line with adult tariffs.
- 6. New ten-year maximum sentence for defacing a statue or memorial (!!)**
- 7. New sentence** for serious injury caused by careless driving and life sentences for those who cause death by dangerous driving
- 8. New House Detention Order**, which includes a lengthy and restrictive curfew
- 9. Increase in curfew periods, enforced through electronic monitoring**

CAUSES FOR CONCERN

Voiced by CLINKS, The Prison Reform Trust and the Lords' 2nd Reading on Sept 14

'**Sentence inflation**' overall - including for children (under 18s), although harsher sentencing does not lead to deterrence.

As certain sentences lengthen, there will be a **knock-on effect** as other sentences become out of kilter and lengthen also (Lord Beith at 2nd Reading of Bill)

In the last ten years, the average prison sentence has increased by almost 2 years and the number of people sentenced to over 10 years has more than tripled. We have the highest per capita level of imprisonment in Europe

Measures will add to **chronic overcrowding** in our prisons – at least 700 more prisoners

As the official Impact Assessment on Part 7 points out, there will be less chance of effective **rehabilitation** in an overstretched prison system.

The **aging infrastructure of prison estate** is already under pressure

Some measures disproportionately affect **black and Asian (Muslim) men**.

Lord Bradley stresses that 9/10 prisoners have at least one **mental illness** – they need community sentences with treatment requirements as laid out in 2009 Bradley Review. Compare: if we failed to address people with serious physical illnesses.

Many Lords raised the issue of **children of imprisoned mothers** and the failure to implement the Corston Report – why are 500 more female prison places being built? 66 Lords spoke in all – the final speaker making the point that more custodial sentences and longer terms pander to the tabloid view that longer sentences reduce re-offending.

Of paramount importance is the point made by Lord Beith, namely that as certain sentences lengthen, there will be a knock-on effect as other sentences become out of kilter and lengthen also.

A few Positive Measures in the Bill

- Increased use of problem-solving courts
- More funding for Community Sentence Treatment Requirements
- Reform to criminal record disclosure

An ‘Opportunity Missed’

Three important issues were raised by a number of Lords at the 2nd Reading as ‘an opportunity missed’, which should be incorporated into Part 7 of the Bill:

1. Repeal of the **1824 Vagrancy Act** which criminalises homelessness
2. Dealing with the situation of people imprisoned under **Imprisonment for Public Protection (IPP)** measures. Although this sentence was abolished in 2012, around 1,700 people are still imprisoned under its provisions, most of whom are well over tariff, plus around 1,300, recalled for minor breaches. High suicide/ self-harm rates.
3. Full pardon for those who received a conviction for **same-sex offences** which have been removed from the statute book.

Where are we up to now (Nov 2021)?

At the time of writing, the Bill has reached the Committee stage in the Lords (from Oct 20), to be followed by the Report Stage and 3rd Reading, before returning to the Commons for consideration of Amendments and, finally, Royal Assent. The contentious nature of this Bill has ensured that further passage will be a prolonged business – already extra days have been allocated for consideration of the numerous amendments by the Committee.

Meanwhile, Priti Patel aims to add in additional measures in response to the disruption caused by the Insulate Britain roadblocking protests. This will not go down well in the Lords where the main objection is to the massive length and hotch-potch nature of this legislation. I shall need to keep a careful eye on these proceedings, as this misbegotten Bill evolves.

Melanie Jameson
Co-Clerk of Quakers in Criminal Justice
melanie-jameson@outlook.com