

Written evidence submitted Dr Isla Masson (Senior Lecturer in Criminology at The Open University); Dr Natalie Booth) CCB0003

Response from

Dr Isla Masson is a senior lecturer at The Open University. Her research interests and publications predominately lie in women in the criminal justice system, motherhood, incarceration and restorative justice. Masson's doctoral work and subsequent book entitled *Incarcerating Motherhood: The Enduring Harm of Short Terms of Imprisonment on Mothers* explored the longevity of short prison sentences and remand. <https://www.open.ac.uk/people/im87>

Dr Natalie Booth is a senior lecturer at Bath Spa University. Her research seeks to understand how prison is experienced by family and friends of incarcerated people. Amongst other publications Booth's doctoral work and subsequent book entitled *Maternal Imprisonment and Family Life: From the Caregivers Perspective* revealed the previously untold experiences of those charged with the responsibility of looking after children of female prisoners 'from the caregivers' perspectives'. <https://www.bathspa.ac.uk/ourpeople/natalie-booth/>

Together the authors have edited several texts exploring Gender and Incarceration, for example *The Routledge Handbook of Women's Experiences of Criminal Justice; Experiences of Punishment, Abuse and Justice by Women and Families & Critical reflections from the Women, Families, Crime and Justice Research Network*¹. Current research by the authors involves a study on the lived experiences of loved ones (families, friends and significant others - Masson and Booth, 2018²) who have a relative on remand (*Families on Remand*, funded by the Oakdale Trust).

Why remand?

We are submitting evidence on the impact of the backlog in crown courts on the loved ones of those supporting those on remand, based on our own research and knowledge of working with those affected by remand. We have published widely on the experiences of this population, and strongly argue that the court backlog is having a significant negative impact on the number of people held on remand in prison (pretrial or presentence), and by association, their loved ones in the community. This situation worsened through the COVID-19 pandemic (House of Commons, 2022³), with evidence showing increasing numbers of people held on remand and time spent on remand thereafter (Ministry of Justice, 2024⁴). It is therefore vitally important that the delays are addressed and sentencing practices which permit those to be held in prison unsentenced are re-evaluated.

Loved ones remain ignored

Although it is important to consider the impact of court delays on victims, witnesses and defendants, the on-going focus on these groups may obscure the wider, tangible harms of on-going court delays and the use of remand on families choosing to support remanded prisoners. We argue that by continuing to not include loved ones within discussions and to ignore the ripple effect on this group, we fail to consider the real-life experiences of many within society. Loved ones are identified as a key source of support for prisoners (Lord Farmer, 2017⁵), for example through practical, financial and emotional assistance, and this supportive role is also critical during court hearings/trials. Their presence at court can be invaluable to a defendant though, as we will go on to discuss, attending hearings/trials can be extremely difficult logistically and psychologically for these supportive loved ones.

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There are also heavy gendered aspects to those involved with supporting remanded prisoners. Our research has repeatedly found that a significant majority of those providing this support are women (mostly mothers, partners or grandmothers - Masson and Booth, 2023 and Booth and Masson with Dakri, 2022⁶). As such the failure to properly consider the needs of, and impact upon, loved ones of remand prisoners, when considering the harm of court delays, means the criminal justice system turns a blind eye to the gendered implications of such harm.

Pre-existed pandemic

As discussed in our paper exploring the impact of COVID-19 on families of remanded prisoners (Booth and Masson, 2021⁷), it is important to stress that there were worrying levels of court delays pre-existing the pandemic. As such, the pandemic must not be used as an excuse for minimising the pre-existing systemic issues within our criminal justice system.

By way of example, loved ones experiencing court delays pre-pandemic communicated challenges that can be classified as oversight with planning across the courts system. Several families reported that there were significant delays because relevant assessments had not been completed, with one family experiencing three adjournments in the lead up to the trial; 'One postponement occurred because the witness failed to show, while on another occasion it was because mental health assessments, and the associated court reports, had not been prepared' (Booth and Masson, 2021 p.27⁷).

As such, methods to resolve these problematic court delays must not just seek to address pandemic related measures and consequences, but should consider pre-existing sentencing practices that need to be urgently rectified.

Impact on families

The publications from the author's *Families on Remand* project have explored the wide-ranging impact on loved ones of remanding someone into custody and the additional harms caused by delays to court or sentence dates. These harms included challenges in juggling paid work alongside additional and often solo parenting responsibilities which had subsequent increased financial burdens on them and their households, as well as the assumption of new tasks associated with the imprisonment, such as gatekeeping and/or managing information with legal teams on behalf of their incarcerated relative. Attending court hearings/trials were often found to be stressful and confusing for loved ones who may have had little contact with the criminal justice system before and/or who found the environment and the associated legal speak difficult to follow. Their experience was exacerbated when cases were unexpectedly rescheduled or adjourned, or when attending clashed with other commitments, such as work or childcare responsibilities. Taken together these very serious disruptions and additional pressure experienced by loved ones often resulted in a concerning reduction in their physical and mental health. As such, the following circumstances are only extended and worsened for loved ones also caught up in the backlog of cases waiting to be tried by our criminal justice system. No matter what the person in prison is accused of, those choosing to remain in contact with them on the outside should not take the brunt of the 'slow cogs of our criminal justice system' (Masson and Booth, accepted for publication⁸).

Likewise, more recent conversations the authors have had with loved ones of those on remand demonstrate that the issues have not disappeared or reduced. The pressure continues to be placed on those on the outside choosing to support those remanded in prison, and the heavy, often gendered nature of this, continues to take a heavy toll upon those on the outside.

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However, it is positive to see that PACT have received funding to support families in courts⁹, and we argued that this has the potential to reduce the court backlog, and also importantly if properly funded can alleviate some of the harms to the parties involved by keeping them informed and supporting them with their understanding of the system.

Guilty pleas

Another important aspect when considering reducing the court backlog, or the waiting times involved in court dates is the submission of guilty pleas. Guilty pleas by defendants can expediate court processes and result in a reduced sentence which can be an attractive option for some held on remand, regardless of their own or loved ones' belief and acceptance of guilt (Sentencing Council, 2017¹⁰). We have published work on the desire by some remanded in prison to reduce the waiting time caused by the delays in courts by entering guilty pleas (Masson and Booth, 2022¹¹ & Masson and Booth, accepted for publication⁸), though this sometimes occurred without the support of their loved ones potentially causing additional harm to these relationships. For example, one partner was deeply unhappy that their remanded relative would live with a criminal conviction because they had pleaded guilty as, by their own calculation, they would be released from prison earlier than their scheduled trial date, even though they did not view themselves as guilty of the accused crime. Additional pressure should not be applied to defendants to plead guilty for a reduction in sentence to reduce the court backlog – additional pressure would be unethical.

Summary

The evidence presented in this response demonstrates the significant impact of court backlogs for loved ones of remanded defendants. This, often gendered, population should no longer be ignored, and their experiences need to be included within all policy considerations. The authors work in this area is on-going, but we trust that the insights that we can share here are useful for the inquiry.

1 Masson, I and Booth, N. (2022) (Eds) *The Routledge Handbook of Women's Experiences of Criminal Justice*. London: Routledge, Booth, N, Masson, I and Baldwin, L and (2023) (Eds) *Experiences of Punishment, Abuse and Justice by Women and Families*. Bristol: Policy Press & Masson, I, Baldwin, L and Booth, N. (2021) (Eds) *Critical reflections from the Women, Families, Crime and Justice Research Network*. Bristol: Policy Press.

2 Masson, I and Booth, N. (2018) *Examining prisoners' families: definitions, developments and difficulties*. Howard League ECAN. <https://howardleague.org/wp-content/uploads/2018/11/ECAN-bulletin-November-2018.pdf>

3 House of Commons. (2022) *Committee of Public Accounts Reducing the backlog in criminal court*. <https://committees.parliament.uk/publications/9159/documents/159649/default/>

4 Ministry of Justice. (2024). *Offender Management Statistics quarterly: January to March 2024*. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2024>

5 Lord Farmer. (2017) *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. <https://assets.publishing.service.gov.uk/media/5a81d6b2e5274a2e87dbfc00/farmer-review-report.pdf>

6 Masson, I and Booth, N. (2023) 'A Mother's work is never done: Mother's affected by remand'. In Baldwin, L (Ed) *Gendered Justice*. Hook: Waterside Press, pp. 117-136 & Booth, N and Masson, I with Dakri, F. (2022) '(Wo)men in the middle: the gendered role of supporting prisoners.' In Masson, I and Booth, N. (Eds) *The Routledge Handbook of Women's Experiences of Criminal Justice*. London: Routledge, pp. 413-424.

7 Booth, N and Masson, I. (2021) 'Loved ones of remand prisoners: The hidden victims of COVID-19.' *Prison Service Journal*. No. 253. <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20253%20March%202021.pdf>

8 Masson, I and Booth, N. 'Ambiguous Loss: The Experiences of Remand Prisoners' Loved Ones', accepted for publication in *Criminology & Criminal Justice*.

9 PACT. (2024) *Support for defendants' families in court*. <https://www.prisonadvice.org.uk/get-help/families/court-support/#:~:text=Support%20for%20defendants'%20families%20in,a%20hearing%2C%20trial%20or%20sentencing.>

10 Sentencing Council. (2017) *Reduction in sentence for a guilty plea - first hearing on or after 1 June 2017*. <https://www.sentencingcouncil.org.uk/overarching-guides/crown-court/item/reduction-in-sentence-for-a-guilty-plea-first-hearing-on-or-after-1-june-2017/>

11 Masson, I and Booth, N. (2022) 'How Loved Ones Supporting Remand Prisoners Use Techniques of Neutralization by Proxy'. *The Howard Journal of Crime and Justice*. 61(4): 463-483. <https://doi.org/10.1111/hojo.12489>.

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