

An aerial photograph of a winding asphalt road that curves through a dense, vibrant green forest. The road starts from the top right, winds down and then loops back up towards the top right, creating a large loop. The surrounding forest is thick and covers the entire landscape. The text is overlaid on the upper and lower portions of the image.

**EXPLORING THE JOURNEY THROUGH  
THE CRIMINAL JUSTICE SYSTEM  
AND ITS IMPACT ON MENTAL HEALTH:  
A SERVICE USER PERSPECTIVE**

June 2021

**PREPARED FOR HER MAJESTY'S  
INSPECTORATE OF PROBATION**

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## 1.0 WHO WE ARE

Penal Reform Solutions (PRS) is an organisation that focuses on transforming penal culture, creating spaces that are meaningful, trusting and nurturing. PRS strives to change the conversation around punishment, working with practitioners and service users and making them central to the change process. It is an evidence-based organisation, which draws on academic research, practitioners' expertise, and the experiences of people who have served a prison sentence. . It has extensive experience in growth, professionalism and relationship work in prisons and specialises in service user involvement, supporting a variety of institutions within the criminal justice system. PRS's work is informed by research carried out in the Norwegian prison system, and it uses this knowledge to support organisations to promote humanity, relationships and hope, in order to reduce social harm and promote social good, for all.

This piece of work is dedicated to Fletch, Lilly and all the participants who shared with us their experiences. We hope we did it justice and thank you for trusting us with your stories.

## 2.0 EXECUTIVE SUMMARY

The aim of this report is to critically examine the impact of the criminal justice system on service users who have experienced mental health issues. Sixty-seven people participated in this work, including people who were referred by Bolton, Birmingham, Croydon, Durham, Exeter and Newport Probation Services, as well as people serving a prison sentence and those who have successfully completed their licence.

Consultants working on behalf of PRS held telephone interviews with those in the community. They corresponded with prison residents by letter and email, enabling them to be involved in this work. All consultants had lived experience of the criminal justice system. A creative project was also designed to increase the reach of this work, asking participants to convey the impact of the criminal justice system through poetry, drawing and five-word poems. A sample of these have been used in this report to enrich the findings, and a separate digital project will be carried out to provide a medium that is accessible to a range of audiences. The consultancy team analysed the data collaboratively and played a key role in this project, from design to implementation.

The key themes are set out below and discussed in the context of the individual's journey through the criminal justice system. These themes include:

### 4.1 RELATIONSHIPS

### 4.2 CREATING A SAFE SPACE

### 4.3 TRAUMA

### 4.4 HUMANITY

### 4.5 THE NEED FOR CERTAINTY

### 4.6 FAITH IN THE CRIMINAL JUSTICE SYSTEM

### 4.7 HOPE AND HOPELESSNESS

### 4.8 IN SEARCH OF MEANING

### 4.9 DIVERSITY AND INCLUSION

The findings were drawn upon to form key recommendations, which were co-created with the participants and consultants. An audio of the findings was also created and sent to all participants, to include them and highlight how their contributions shaped this work.

### 3.0 METHODOLOGY

This project aimed to explore the experiences of those who have been in contact with the criminal justice system, through the lens of mental health. The work was designed and co-produced with consultants who have lived experience of the criminal justice system and training in research. It featured three methodological elements: (1) telephone interviews; (2) letter/email correspondence; and (3) the creative project. The rationale for this approach was to reach as many people as possible, including those in prison and those who had completed their licence. We were aware that talking about mental health can be challenging and wanted to create a number of ways to express these experiences safely.

The key research questions were:

1. How did the experience of arrest, prison (if applicable), a community order and local resources impact on your mental health?
2. What aspects of good practice were there throughout your criminal justice journey, which supported your mental wellbeing?
3. What would you suggest needs to change in order to support people with mental health issues?

The PRS team devised an interview schedule and carried out a thematic analysis to gain a deeper understanding of the findings. The creative project gave participants the freedom to depict their experience of the criminal justice system through words and art. An article in the *Inside Time* newspaper (June 2021 edition) extended this work to the prison community. For the purpose of this report, the creative element will be used to enrich the findings; the creative project will be developed in full over the coming months, and the key findings communicated through digital means.

Sixty-seven people took part in this work, 58 of whom identified as men and nine as women. Only one participant was over the age of 60 and all were adults. Fifteen people have also participated in the creative project. Figure 1 shows how the interviewees' journey was captured, from arrest to end of licence. The majority of the participants were on a community order at the time of the project. Interestingly, and worth noting, 9% of the participants disclosed that they are autistic or on the autism spectrum. With respect to ethnicity, 70% of the participants were white British, though participants were from a variety of ethnic backgrounds, as shown in Figure 2.



Figure 1: A pie chart to represent those interviewed and their current place in their CJ Journey.

ETHNICITY	
<b>WHITE</b>	
- British	47
- Irish	2
- Gypsy or Irish Traveller	3
- Any other white background	3
<b>MIXED or MULTIPLE ETHNIC GROUPS</b>	
- White & Black Caribbean	2
- White & Black African	1
- White & Asian	
- Any other Mixed or Multiple Ethnic background	
<b>BLACK, AFRICAN, CARIBBEAN OR BLACK BRITISH</b>	
- African	2
- Caribbean	3
- Any other Black, African or Caribbean background	1
<b>ASIAN or ASIAN BRITISH</b>	
- Indian	1
- Pakistani	
- Bangladeshi	
- Chinese	
- Any other Asian background	2
<b>TOTAL</b>	<b>67</b>

Figure 2: The ethnicity of those who participant in this Project.

# RELATIONSHIPS

“My Probation Officer is my rock.” (John)

## 4.0 THE FINDINGS

The following themes emerged from the findings. Each theme begins with a broad view of how it relates to mental health and then goes on to travel through the criminal justice journey, from arrest to licence completion, in order to encourage insight specific to the narrative.

### 4.1 RELATIONSHIPS

Relationships were the strongest theme to emerge in the findings, with participants stating that being treated as an individual and feeling heard were important in easing tension and stress. People valued being taken seriously and feeling that someone understood their needs. They also acknowledged that kindness and care were powerful in supporting people with their mental health, as this brought a sense of worth and motivation. For example, one participant stated that the mental health staff in prison wrote a letter for release to inform other professionals in the community about the individual's needs. This demonstrated individualised care by proactively considering ways of easing stress upon release.

Participants said that consistency was also important, as it led to less stress and greater trust, and allowed people to rely on professionals. To illustrate, John, who had been allocated the same probation officer throughout his order, stated: *“My probation officer is my rock ... her honesty and respect lifted me”*. It was clear that having ‘someone on your side’ was important for people. It gave them a safe space to be honest about their mental health, allowing them to address their needs collaboratively.

Covid-19 seemed to have taken its toll on the connections people felt, both in prison and in the community. For example, Steven said: *“I am not alone in experiencing grief during the pandemic but prison is an awful place to deal with loss and empathy has been in short supply.”* This sense of disconnection was also felt due to local resources no longer being available. That said, some welcomed the lockdown, as it meant they did not have to attend the probation office and experience feelings of paranoia and stress due to their social anxiety and agoraphobia. For one participant, the sheer effort and energy to arrive at the probation office due to their social anxiety seemed exhausting and hidden from view.

<sup>1</sup> All names have been changed to protect the identity of our participants. All participants were asked what they would like their name to be within this report and two participants specified their preference. These were Fletch and Lilly.

When tracing relationships on their journey through the criminal justice system, participants invariably commented on the lack of relationships and compassion at the point of arrest. John stated that the lack of support from the police led him to *“want to continue to destroy myself,”* expressing feelings of worthlessness. Filip stated that he was left alone for three days in police custody and, while he saw a mental health professional during this time, the lack of engagement increased his anxiety and left him confused. He said: *“[arrest] was the lowest point in my life.”* While he *“briefly”* spoke with a nurse about suicidal thoughts, he was then *“left in my thoughts ... I did not understand what was going on in my mind”*.

Relationships were also absent in court, with no participant stating that they had formed any significant meaningful relationship during this process. One participant stated that his solicitor told him that they could not represent him as he did not have any money, only deepening his sense of abandonment.

Within a prison context, participants referred to the application process (normally a paper-based system for residents to ask questions). They said that they had asked for help regarding their mental health, and never received a reply. Participants also described rushed and shallow relationships that left them feeling alone and, consequently, withdrawing from prison life. Participants conveyed a sense of disconnection from those around them more generally and a deeper sense of mistrust, which exacerbated their mental health issues and led to loneliness.

The abandonment felt at arrest and court often carried through to prison. Wilson described his experience when he informed a block manager about his Asperger’s syndrome. He stated that: *“a house block manager said I better start taking some ADHD medication”,* going on to say, *“they just gave me anti-depressants to shut me up and fob me off.”* Wilson described writing to the mental health team and being told he did not qualify for help (he had been on medication for anxiety and depression for eight to nine years). He stated: *“I asked to see a counsellor, which took five months to process only to have an appointment where they didn’t show up ... I sat in my cell full of anticipation and anxiousness.”*

This highlights how a greater understanding of mental health (and the needs of people more generally) may help deepen the relationship between correctional practitioners and service users in order to build trust and help support people with mental health needs, alongside the importance of keeping to appointments or communicating otherwise.

That said, others commented positively about their interactions with keyworkers in prison. Lilly commented that, when an officer stopped and talked to her, it demonstrated that someone cared, even though these relationships were informal. She stated: *“just having a trained officer to chat to for five minutes to ask how you are doing and to talk to, really does make a big difference. It doesn’t have to be someone from the mental health team even.”*

Several positive relationships were referred to during the interviews. Some participants stated that they felt that probation were on their side. Describing his relationship with one worker, Filip stated: *“she has taken into consideration my view and has given me the feeling that I have a voice ... [this] impacted massively on my mental health.”*

Others described a strong loyalty to local resources, which supported them in crisis. Jane described how *“wonderful”* her experience of the mental health crisis team was, even though she lived in a geographically isolated location. She explained: *“The mental health team were fantastic, brought over a food package in spite of the distance... they were terrific, so, so kind...They didn’t know me from Adam.”*

The findings suggested that consistently good relationships were more evident at the probation stage. There was a clear theme that a disconnection from people (and society) was echoed in detached or superficial relationships at the start of the criminal justice journey. While some participants conveyed a greater connection to professionals in prison, these were invariably ad hoc and viewed as *“rare gems”*. That said, the new keyworker scheme seemed to be shaping new opportunities, which help elevate tensions and anxieties, bringing with them information and reassurance. To illustrate, James stated: *“I have met some fantastic prison officers and keyworkers, some really do go above and beyond ... they have all helped me along the way.”* He went on to say: *“A kind word or gesture could be a lifeline for many men behind bars.”* This highlights how even the smallest of acts can make a significant impact.

# CREATING A SAFE SPACE

“Courts are eerie places, everything feels unnatural and on edge” (George)

## 4.2 CREATING A SAFE SPACE

Finding a safe space to reduce stress and ease tension seemed important for people, particularly within a prison environment. While participants discussed the importance of a safe space from a relational perspective, and the value of being seen and understood, safety was also linked to physical environments. One participant stated that having his own key to his prison cell allowed him to feel a sense of responsibility and freedom. Having his own cell also provided him with a “space to cry”. Another participant commented that sharing cells threatened this safety, as privacy was compromised. One female participant stated that sharing a cell increased the intensity of her mental health symptoms, as she did not feel she had the freedom to cry. Another female participant stated that not having a private toilet meant that there was another space where she could not be fully alone. This suggests that, while loneliness and disconnection exacerbated mental ill health, having a private space to be alone allowed individuals the opportunity to be vulnerable and express themselves.

Other participants reflected on the unstable environment of prison more generally and how it was hard to be vulnerable in these spaces as there was an uneasy atmosphere. Several described “*suffering in silence*,” stating that they had mental health issues, but did not feel safe discussing these issues, even though they were documented on their records. In several of these cases, professionals did not explore this further, even when they knew that an individual had mental health problems.

Some participants discussed safe spaces in the context of stability, in the form of having a routine. Steven, who has Asperger’s syndrome, explained his view:

*“I need routine ...I need to know what I am doing ... they tell me I can have a 15 min shower out of the blue and I go into a panic ... it takes me 5 minutes to get out the door with my shower gel, shampoo, conditioner, razor, soap (etc) ... The struggle is real for someone so particular such as myself!! I wish I was normal ☺*

When we asked Steven what he had learned from his experience of the criminal justice system, he said:

*“It’s ok to cry, its ok to be different ... it’s not ok to deny someone help who is begging for it. My cell bell has been going off for over 4 hours before and all I wanted to do was talk to somebody, a listener...it was the lowest point of my prison mental health life... [I] felt like I have been denied air to breathe!”*

<sup>2</sup> A listener is a person who resides in prison who is trained by the Samaritans to offer a listening ear.

This highlights a feeling of struggle and desperation when asking for help and how strategies such as pressing on a cell bell are ineffective for both staff and residents.

Participants also described physical environments and surroundings at the early stages of arrest, such as police stations and court. There was a clear pattern that participants found these “*distressing*” and “*traumatising*”, contributing to problems for those who struggled with their mental health. It was reported that it led to people becoming closed off at a time when they needed to be open and honest, and to receive the correct support. To illustrate, George mentioned that: “*Courts are eerie places, everything feels unnatural and on edge and that doesn’t help with anyone’s mental health, even if you consider yourself to have good mental health.*”

This suggests that the physical and psychological environment through the criminal justice journey brings with it a physiological reaction that is heightened for those with mental health issues (though felt by all). Spaces are invariably relational and cultural and so exploring how relationships can be built within these spaces may buffer some of their effects.

# TRAUMA

“Under the blanket where the segregation staff couldn’t hear my desperate sobs and gasps.”  
(Fergus).



**Paranoia?**

*The anger, anxiety and stress built in,  
Fear of crashing keys is long lasting  
I twist my neck like a violent vine  
For Safety in the snaking food line*

*Never knowing if I will exist once more,  
With a handle on the inside of the door  
My mother keeps saying that she loves me  
But is each visit another duty?*

*I try each day to find a positive thought  
One negative action makes my body taut  
Is the trust I once knew now undone?  
Has my prince of paranoia won?*

*Wishing my life away each season that falls,  
Just like a bored kid on their six weeks hols  
Those days are long gone but feel like they are back  
If I leave prison will I know fiction from fact?  
I left my dignity in reception upon my welcome,  
Do I trade in my sanity?  
In return for my freedom?*

**Paul**

**4.3 TRAUMA**

A clear theme from the findings was the trauma experienced by participants throughout the criminal justice journey. These experiences were related to those identified in the humanity theme, as well as feelings of shock, fear and panic. There seemed to be a saddening acceptance of the exposure to trauma in participants' stories, with a sense that it is a normal part of the life. This trauma still seemed raw and deep within those who were interviewed, as they conveyed experiences that had been buried away from view.

Participants described the arrest process, at the start of the criminal justice journey, as “unbearable,” “shocking ... full of worry and fear” (Filip), “exhausting, confusing, and frightening” and “scary” (Marcus). Also, Sammy reflected on how she did not see the enormity of the impact on her mental health until some time afterwards. She stated:

*“It's only reflecting back I realised how bad it was ... It traumatised me for a long time, how I was handled [in the police station] and treated ... I was disassociated, detached and suffering psychosis and anxiety. How they didn't notice ... they interviewed me anyway. For months after I've had panic attacks and nightmares.”*

Some described doing all they could to limit their contact with the system and had adopted a robotic coping strategy due to the frequency of their court appearances, with one participant saying that when she goes to court, “I don't hang around ... just get in and out” (Maria).

Participants in prison described how Covid-19 restrictions had led to them experiencing more panic attacks. Lilly described having panic attacks in her cell in greater detail:

*“There's times when you're pressing the buzzer and no one replies because it goes straight through to the control room because there's no one in the office, so then you're consistently pressing it because I was having a panic attack at the time and I just remember thinking god, it's really really difficult.”*

Lilly later submitted a poem to articulate her feelings in her own words, see opposite page.

*What it feels like  
To be locked up  
Behind four walls,  
Cant breathe  
As anxiety  
Chokes me  
And I gasp  
Pressing the buzzer  
5 minutes of air  
Please open the door.  
Nobody comes  
And I panic on the floor.  
Tears well up  
And I breathe deep  
Waiting the terror out;  
Chasing oblivion in sleep.*

**Lilly**

Steven described how the environment itself was traumatic: *“The constant noise of prison forces tension on you, in an already hostile existence.”* The term “existence” seems to be used here to describe a place of survival rather than growth or rehabilitation, depicting a relentless environment that is inescapable.

Reflecting on prison more broadly, Fergus (who is serving a 25-year sentence) stated that prison is:

*“the story of heartbreak ... of how life as I knew it had ended. Heartbreak that manifested itself physically, triggering muscle weakness, exhaustion, insomnia and anxiety attacks. And the feeling you’re going to die ... Distressed to the point that made you sob in the shower or under the blanket where the segregation staff couldn’t hear my desperate sobs and gasps.”*

While some described their emotional and painful experiences, others described a feeling of desensitisation, as they *“got accustomed to witnessing self-harm”*, highlighting not only primary trauma but vicarious trauma also. Fergus was explicit about the impact, saying, *“seeing man’s inhumanity to fellow man [in prison], broke me”*. In prison, witnessing traumatic experiences on a daily basis seemed to be a common occurrence. One participant said that it was hard to manage their own feelings of suicide and self-harm, but seeing this first-hand in others only heightened these feelings. Brian added: *“At first it is heart breaking to witness people self-harm or try and take their own lives but it’s sad to say you get accustomed to all that and view it as nonsense as most people are attention seeking.”*

Fewer experiences of trauma were described during probation, though one participant described the impact of discussing past trauma with probation officers. This seemed to be a re-occurring pain for those who had numerous probation officers and had to return each time to their past. Cooper stated: *“They are expecting a lot from me, there is no point bringing up shit from when I was a kid ... this causes mental health problems.”* As the picture built, it was clear that trauma and the re-enactment of trauma were laced through the fabric of the criminal justice journey for our participants. It did not seem to be discussed or resolved on any meaningful level and seemed to sit as a normalised experience, which appeared ‘everyday’ to those who were seen as ‘undeserving’ of positive regard on a human level.

# HUMANITY

“In my second night the staff played indoor cricket all night, using my door as the stump's. I was kept awake all night and questioned all the next day.” (Marcus)

## 4.4 HUMANITY

The significance of humanity (and the lack of it) was a key theme, which linked closely with the theme of trauma. Small gestures of kindness symbolised acts of humanity that had disproportional effects, contributing to feelings of worth, confidence and hope in those we interviewed. In contrast, experiences that were perceived as inhumane or indecent stayed with individuals and tended to undo the good work of others. While a lack of decency contributed to disempowerment, showing care and consideration alleviated stress and caused people to see a softer and more compassionate side to the criminal justice system, which brought comfort.

When exploring the criminal justice journey, the police station tended to be a place where there was a lack of humanity. Pockets of kindness were invariably situated in mental health professionals, nurses or individual officers. Maria stated: “they just chuck you in a cell and interview you ... that's it”, indicating that the police station was not seen as a place where mental health could be either discussed or supported. Marcus described his second night in police custody and the feelings of helplessness he experienced:

*“In my second night the staff played indoor cricket all night, using my door as the stumps. I was kept awake all night and questioned all the next day. I told my solicitor about it and he was told it was the civilian staff.”*

Katie explained how she was “begging for a phone call” to let her family know she was alright, but the officers' response was consistently that “they were too busy”. Katie also described how she “felt like scum” because of how she was treated: “just viewed as some sort of junkie ... they speak down to ya”. She went on to say: “It was horrific ... absolutely awful ... it was disgraceful how I was treated ... they were really nasty if I'm honest with ya.” She described how cold the police cells were and how she had to convince an officer to let her have a coat. Katie was going through drug withdrawal at the time of her arrest, and without any medical support was “just left to go cold turkey”. She also needed to self-catheterise due to a bladder transplant, and told us: “I was buzzing and buzzing [the cell bell] because I can't go without one [a catheter] and I really needed to go to the toilet, and it took me well over an hour to get someone to go into my hand bag to give me a catheter.”

Phil explored the impact of feeling vulnerable in police custody, saying: “Whilst I was at the police station I felt like they were taking advantage of my vulnerability. This made me feel weak as an individual, which played on my mind and made me doubt myself. They are not the law, they are there to enforce it.” This seemed to create more distant relationships and build a growing resentment towards the criminal justice system on broader levels.

In contrast, one of our participants described acts of humanity in the police station after disclosing their autism to the staff. They described being released from the cell and allowed to sit on a chair and driven home, which led to feelings of being understood. Another participant explained how the police were *“really nice and helped me through a really hard time”*. Charlotte explained that the officers gave her a ball to play with as a distraction to calm her down. This enabled her to manage her time in custody better and ensured her mental ill-health was not exacerbated further.

Moving to a prison context, one participant described his feelings of worthlessness when *“dehumanising cell spins”* took place and personal possessions were disregarded and disrespected. One participant stated that an officer emptied a rubbish bin over his clothes, while another described an officer opening a tin of tuna over his clothes. Marcus also described a situation that left him unsettled and upset:

*“The prison officer told me in a small office, with three other officers standing over him and told me the quickest way to kill myself was to cut the vein on the inside of my thigh ... I was not the only one he had said it to and if someone was really struggling, they could tip you over the edge.”*

Moving on to probation, the consistent message was that probation staff were more attentive and understanding, playing a vital role in helping individuals. Brian shared his struggles with addiction to alcohol, which he used as a way to self-medicate. He said: *“Probation knew my struggles with drink and have played a key part in helping me stay sober and finding a healthier way to deal with my mental health.”*

Les spoke about how his probation officer understood the importance of being a father: *“My probation officer is a super star, he worked hard for me to carry on living a normal life. I wanted to move back in with my family and the police blocked the move. However, my probation officer got the decision overturned so I could be a proper father and husband once again.”*

It seemed evident that humanity was not a feature of police custody that participants expected. While gestures of humanity had a significant impact on individuals (and their mental health) throughout the criminal justice journey, an overwhelming sense of worthlessness resonated through these stories.

# THE NEED FOR CERTAINTY

*“I didn’t really know what was going on until I met my Probation Officer, who explained everything.” (Cooper)*

#### 4.5 THE NEED FOR CERTAINTY

A clear theme from the findings was that of certainty. Having a greater understanding of the criminal justice system and its processes significantly helped those with mental health issues, whereas uncertainty contributed to confusion, fear and anxiety. Uncertainty seemed to occur when there were transitions between services (such as between prisons), as continuity lapsed and left individuals feeling anxious about the future. There were some practices that led to greater certainty. These included regular meetings with mental health professionals, and with individuals who took the time to explain decisions and information about the person's sentence/order.

When tracing the narrative of the criminal justice system through these themes, some participants stated that they did not know why they had been arrested, why they did not receive bail or what would happen in court. One participant stated that he waited eight months for a court date and this heightened his anxiety. He reported that, once he knew it was taking place, there was a sense of relief, even though it remained challenging.

Fletch said that, after 18 months on bail, he had received no communication apart from a letter that informed him of his upcoming trial (a trial that lasted one month). He said at this point he was feeling *"shell shocked"*, an expression he also used to describe his feelings when he was arrested. He said the experience felt *"unreal"*. Fletch went on to describe his journey, stating that, upon his conviction, he received 13 years in custody, and was in a state of *"shock and confusion"*. He said the process was a blur and that, although he spoke to his legal representative immediately afterwards, he had no memory of their conversation. Instead, he found a *"carpet blade"* when he was in the interview room with his barrister, and on entering the sweat box to be conveyed from court to prison, he began to harm himself by cutting his wrists. Fletch reflected that he was thankful that the journey was approximately 30 minutes, as if it had been any longer he probably would have *"bled out"*.

Another participant stated that he only fully understood his order at the point of probation, because his officer went through everything with him. One participant in prison stated that sharing a cell with other residents created a sense of uncertainty, which led to him feeling unsafe. Another stated that he was informed he was moving prison 30 minutes before the prison transfer and told to pack his belongings within 30 minutes, otherwise he would miss the bus. This sudden influx of anxiety left the individual feeling confused and overwhelmed. He suggested that being told about transfers the night before would make this process less challenging.

Certainty had a large impact on mental health, as participants consistently stated that better communication would help throughout the process. Change seemed to cause real struggle, which could be seen from a conversation with Luke:

*"I was on remand for 8 months and going back and forth from court 4 or 5 times a month and always ending up with a new pad mate. It was a real struggle, as I didn't know who I was going to get. It's the last thing I need after having my life dragged out through court."*

It was evident that clear explanations from professionals, including explanations of abbreviations and processes, could help alleviate these issues. This would provide a space where questions could be asked, tension could be relieved and support offered to those with mental health issues. Being kept in the dark only seemed to deepen a sense of anxiety and fear of the future. Several participants stated that, even when the outcome was negative (or unexpected), being told what it was and having it explained were valued. This links closely with the notion of procedural justice. Examining how procedural justice has been integrated across the criminal justice system may bring real benefits for all, including those with mental health issues.

# FAITH IN THE CRIMINAL JUSTICE SYSTEM

“Alone and abandoned.”(Matt)

## 4.6 FAITH IN THE CRIMINAL JUSTICE SYSTEM

Participants described their lack of faith in the criminal justice system and lack of belief that criminal justice organisations could help. This led to a greater sense of hopelessness, exacerbating mental ill-health. On their journey through the system, inhumane gestures eroded any faith they had that the police were there to help identify and support mental health issues. One participant commented that, in court, feelings of unfairness led to an overall wariness of authority. Other participants described how this lack of trust and faith in the wider system became localised when they were in contact with a component of it. For example, in prison, a first-time resident was told by his peers that the staff could not be trusted. The participant stated that this increased his paranoia and led him to shut down. There was a genuine fear of opening up, because he felt that information would be used against him. Fergus described how his paperwork went “missing” more than once, contributed to a mental breakdown, which led him to spend three years in the segregation unit in prison.

A lack of communication within the system seemed to lead to people losing faith. One participant mentioned that there was a mark on his file stating his difficulties with mental health, but when he was dealt with at the police station, nothing was mentioned and no support was offered. The participant stated plainly: *“I felt alone and abandoned”*. Jakob said his lack of faith in the system derived from his belief that the criminal justice system did not care about people who offended, as individuals. He said:

*“I have been moved from probation officer to probation officer and I sit there wondering if the system has given up on me. I have no belief in the system or believe there is genuine care there for me or my mental health.”*

Building a greater understanding of the person and tailoring an individualised approach were viewed as important. Phil said: *“There are days when I am overcome with fear to leave the house and my probation officer is aware of this and caters to my needs to help me with my supervision.”*

Some showed empathy for those working in the current system, acknowledging the lack of investment. For example, Josh said: *“The prison tried their best to help me but there seems to be a lack of support across the whole prison estate, as they are underfunded. At HMP \*\*\* there were 2 mental health specialists to 2,500 prisoners.”*

# HOPE AND HOPELESSNESS

“The arrest experience made me want to give up on life.” (John)

## 4.7 HOPE AND HOPELESSNESS

There were certain elements of the criminal justice system that provided hope (or hopelessness) to the participants. One participant stated that gestures of humanity gave them hope and brought a sense of ease. Some described how new opportunities provided hope and brightened their lives, while a loss of hope was associated with the earlier stages of the criminal justice journey. For example, John stated: *“The arrest experience made me want to give up on life,”* while another participant said that the experience of prison contributed to him feeling a lack of belief in himself. This hopelessness was extended to families, as one participant described being sent to prison and how his family said that it was as if he had died.

Isolation and a lack of support seemed to extinguish hope, while positive relationships with criminal justice staff had the power to ignite and preserve hope. To illustrate, Fergus stated: *“As the flame of hope and love was completely extinguished, it made me feel like I was going crazy and suicidal for a long time”*. Losing hope or experiencing hopelessness seemed detrimental to an individual’s wellbeing. To illustrate, Oscar said: *“after spending 5 years on bail I could feel my mental health deteriorating and my world coming to the end. I had gone from a young man to an adult by the time I was sentenced.”*

Brian mentioned how his time in prison changed him and gave him hope for a better future: *“Once I was in prison, I managed to see a specialist for the first time and was diagnosed with bipolar. I was prescribed medication, and it was life changing.”* It was clear that hope arose from receiving the right support, from people who showed a belief in change, and in being seen as an individual. In contrast, hope was dulled through loss and not seeing an end in sight. For example, Pete said: *“The impact of prison has made me lose interest in my sentence, giving up on everything ... I have a bad self-destruct to getting out and tend to just give up.”* He has spent over 30 years in prison and is currently in segregation, having served 20 years so far. He wrote, *“I will write again when my mental state is better”*. This highlights how segregation units are sometimes used for those who have deeper unresolved issues or when people are hard to manage any other way.

A further observation from the data was associated with recall and how deterioration in a person’s mental health seemed to lead to poorer compliance. This has particularly severe consequences for those on an Imprisonment for Public Protection (IPP) sentence. Participants we spoke to who were serving an IPP sentence (or on licence in the community)



# IN SEARCH OF MEANING

“I gained an understanding (about myself) thanks to the teacher, who I owe my sanity too.” (Wilson)

These findings suggest that having faith in the criminal justice system brings hope to those who have offended. It would seem that this faith is built on relationships and a focus on individuals' needs. However, participants recognised that this was nigh on impossible, based on the level of investment that is currently in place. As staff are stretched and processes become dated, faith may become increasingly diminished.

## 4.8 IN SEARCH OF MEANING

A theme that emerged from the findings was that of doing valuable work that was meaningful for the individual.

When considering his journey through the criminal justice system, after being arrested, Phil said he believed he had no purpose anymore, stating: *“After being arrested I was led to believe this was the end and I can no longer go on to achieve anything.”* This links closely with the sense of hopelessness experienced during arrest, when gestures of humanity and kindness were particularly valued during this uncertain time.

Meaningful work was mainly discussed in prison or while on probation. In prison, participants discussed the lack of meaningful work opportunities, including jobs and educational opportunities. More purposeful activities seemed to take place in the community (though Covid-19 has significantly impacted on this). Others described finding meaning in working with animals while in prison, and has this brought a sense of responsibility, joy and connection. One participant recommended more work with “livestock”, and how this had brought real meaning at a time that seemed hopeless. More therapeutically intensive work was also described by Steven, who was serving a lengthy prison sentence. He said: *“A therapeutic community really opened my eyes and aided me in addressing some of my demons. The lessons I learnt during that time will stay within me always.”*

Covid-19 seemed to remove meaning in prisons, because the majority of services were stopped. Steven stated: *“Covid has led to a Groundhog Day existence. It has been mind-numbing and at times soul destroying.”* This highlights how the pandemic has reduced opportunities for individuals to develop a sense of purpose, which is vital in the rehabilitative process.

While less prevalent, finding meaning in holistic wellbeing also featured in a small number of our cases. This included the impact of a poor diet (in prison) and lack of exercise (due to Covid-19), and the benefits of yoga and meditation in promoting a healthy mind and body. The impact of Covid-19 was noted by those who are currently in prison.



# DIVERSITY AND INCLUSION

“No money, No Justice.” (Filip)

Karl stated: *“The impact of the loss of gym and exercise from lockdown had a massive effect on those who used it as an escape or an opportunity to let off steam ... having the gym taken and exercise restricted due to lockdown played havoc with my mind. Those hour slots were my escape. They kept me sane and saw me through the day.”*

This highlights that coping strategies to help alleviate symptoms and self-manage mental health were compromised for some during the period of lockdown.

## 4.9 DIVERSITY AND INCLUSION

The need for a greater appreciation of diversity and inclusion was clear from the findings. Participants from ethnic minority backgrounds tended to lack confidence in the support offered to them for their mental health. They were more likely to deny having mental health issues when asked by criminal justice professionals, and instead to *“go off [their] own back”* to seek support, away from the criminal justice system, as they felt *“let down”* (Mo) by the system. A number of male participants talked about issues associated with masculinity and the fear of appearing ‘weak’ or ‘vulnerable’, associating this with cultural factors as well as religious factors. One participant stated that, when he was asked by a mental health adviser whether he suffered any mental health issues at arrest, he said he did not in order to avoid being judged and suffering a loss of pride as a result.

For some participants, their mental health issues intersected with race, which exacerbated some participants’ feeling of injustice. Some participants discussed their feelings about conspiracy at the police station, which contributed to a sense of institutional injustice and inequality. One participant felt that the police wiped his phone contacts as an act of racial discrimination. Filip stated that, in court, he was *“judged on ethnicity”* and this led to feelings of betrayal, resentment and hurt. Another participant discussed his lack of financial stability and how legal aid was removed because he could not fund it. This interaction between race and poverty fuelled a deeper anger, with one participant stating plainly: *“no money, no justice”*.

Jane, an older lady of 63, described her experience of arrest in detail. She explained how her alcoholism and mental health issues had brought with it a history of offending. She spoke with a sense of defeat, evidenced by the plain statement: *“you can’t beat the system, they are bullies”*. Jane described how she felt that the police viewed her as a *“lost cause”* due to her age, history of offending and alcoholism, leaving her feeling lost and isolated further. She described her experience of arrest *“by four officers in their 20s ... their demeanour was “bullish” and they accused me of taking cocaine ... I lost my dignity when they asked me to take a drug test, as I has never been on drugs”*. Placing this in the

context of previous discussions around humanity, there seemed to be some practitioners who were able to adapt services to support the needs of service users (and in turn ease their tensions), while other factors brought about the likelier consequence of exclusion. The nature of the arrest and the individual's history seemed to create further distance, particularly if people were arrested for crimes associated with children or drugs.

In relation to gender, local services seemed to be engaged by more women (based on our small sample) and men invariably stated that they did not access services. One participant stated that doing work *for* the community had a positive impact on her mental health and aligned to her cultural values of community. A female participant identified that gender-specific programmes (for example, the Together Women Project) were helpful because of the support that she received, which included Through the-Gate support. These findings suggest that an individual gaining **appropriate** support to meet their needs was of the greatest importance. One participant reflected that the only thing that worked well was the Mental Health Treatment Requirement.

However, a trusted relationship was said to be vital when accessing help in prison. Asad said:

*"I was struggling and didn't know why. I thought there was no support for me and after having a conversation with my Imam he went and scheduled an appointment with a mental health nurse."*

This highlights the importance of peripheral and important relationships with people who can advocate for individuals and signpost them to support, depending on the services they need to access, meet them where they feel safe and work from this position. Within a probation context, one participant stated that his autism was generally prioritised over his mental health and this left several needs unmet. This highlights the complexities of co-morbidity and how a combination or collection of needs can sometimes be overlooked.

A number of participants perceived practice to be exclusionary. One female participant explained that she felt discriminated against by the judge due to her gender. This led to a feeling of disproportionate punishment, as it was implied that a female should not commit the crimes she was responsible for. A different participant was informed by the judge that his autism was "irrelevant", even though his pre-sentence report stated that it played a factor in his offending. Alfie, who has literacy needs, said that, in prison: *"I don't like talking to people outside of my own group and as I can't read or write I couldn't put an app in. I spoke with the travellers' rep and he helped me deal with health care and get some pills."*

These findings highlight the complexity of bias and the importance of raising awareness of diversity..



# RECOMMENDATIONS

*"I really hope that it will soon shift,  
And I will feel a little lift." (Sammy)*

## 5.0 RECOMMENDATION AND CONCLUSION

The following recommendations were co-produced with those who participated in this project. They vary in levels of ambition but all key suggestions feature here due to their significance and value-added potential.

- It is proposed that all criminal justice staff, including judges and solicitors, are given training in mental health, diversity and the function (and value) of relationships in criminal justice work.
- It is proposed that information is displayed, given and verbally explained throughout the criminal justice journey, in order to reduce the impact of uncertainty. This is needed particularly at the point of arrest and in court, although transitions between services were also highlighted as important. Co-creating a process with service users where information is provided would enrich this work. The support of volunteers and local communities in these specific areas may help, in light of the limitations around current resources, to alleviate some of the pressures that criminal justice practitioners are experiencing.
- Procedural justice focuses on how decisions are explained, in a respectful, fair and decent manner. It is proposed that there is a review of how this work can be applied consistently and communicated throughout the criminal justice system, illuminating the value of procedural justice and how it is being practically applied to a range of criminal justice settings.

### It is proposed that the Ministry of Justice:

- Reviews how hard-to-reach populations are engaged with so that mental health can be fully realised and supported. This might include using digital technology, informal conversations and a variety of creative methods, with the support of those who have lived experience of the criminal justice system.
- Invests in supervision for all criminal justice practitioners to aid their understanding and build reflective skills that will increase their capacity to show kindness and empathy.
- Promotes family ties and family engagement throughout the criminal justice system, as these meaningful links seemed to significantly help with recovery from mental ill health.
- To update resources that lack modern technological advancements, to improve efficiency and effectiveness across the criminal justice system.

### It is proposed that the Police:

- Pilots new ways of managing those arrested who have mental health needs through action learning sets that are multi-disciplinary (including the police, mental health professionals and volunteers). This might include reviewing relationships, processes and the physical environment.
- Examines how complex needs and co-morbidity could effectively feature in training for police officers and support staff. This will not only improve compliance, but also reduce harm to both service users and staff (e.g. assaults and complaints).

### It is proposed that the HM Prison Service:

- Completes national review of the application system in prison, to improve information-sharing and reduce anxiety in those who are residing in prison.
- Reviews how single cell occupancy is assessed, moving towards a needs-focused approach as well as a risk-focused approach.
- Ensures that keyworker sessions are protected time (45 minutes a week per case) to ensure relationships are safeguarded, in order to reduce harm.
- Reviews the current diversity training which is currently an online training package. It is recommended that this is reviewed in order to create a training experience that is inspiring, educational and practical for those who are working in challenging and busy conditions.
- Involves mental health charities and specialists more heavily in prison life, making mental health more visible in prisons, to reduce stigma and raise awareness. Several participants suggested involving those with lived experience, in order to bring insight, reduce stress and build hope across the criminal justice system.

### It is proposed that the Probation Service:

- Shares quality practice with other sectors of the criminal justice system to legitimise positive outcomes and approaches.
- Strives to deliver end-to-end relationships in order for the professional alliance to be safeguarded.
- Reviews how trauma is discussed with service users and the potential harm of this, in light of how temporary probation officer allocation currently is.

## CONCLUSION

This work provided a valuable insight into how the criminal justice system has impacted on those with mental health issues. Through the words of those who participated, this report aimed to illuminate areas of practice that created hope, faith and growth, as well as to understand which aspects of practice were counter-productive.

The findings show the importance of relationships, humanity and compassion and how small gestures of kindness can create large effects that stay with people and play a part in their recovery. It also acknowledges that acts of inhumanity erode hope and exacerbate feelings of worthlessness and isolation. Placing these two findings together, it is clear that the criminal justice journey is not a predictable road that leads to the destination that we all hope it would: a safer community where social harm is addressed effectively and social good is nurtured. Instead, it is a rather confusing place that lacks coherence and explanation, leaving the people who interact with it exhausted. Understanding the vision of the criminal justice sector as a whole system, and the role each part of the sector plays in it, may aid a deeper understanding of why we work within it, so that, collectively, we can make the impact we strive for. As we embark on a Covid-19 recovery roadmap, now is the time to reflect on the past and reimagine our new normal.

This report will end on the words of Sammy, who sent us her poetry. This was the first time she had shared her work with someone, and she summarised our findings beautifully.

### **Black Cloud**

*Every morning I wake,  
And slap on a smile that is oh so fake,  
Beneath that is a black cloud of grief,  
It only lays dormant and rears its head,  
Sometimes it's for long, sometimes brief,  
A sense of guilt and loss,  
It eats you up and is the boss.  
Don't ask me if I'm OK for I will cry,  
And sometimes I don't even know why ,  
I've never been quite this bad before  
Where I'm unmotivated and just want to close the door.  
Everywhere I go the black cloud follows and won't leave me be,  
Like Charlie Brown and Snoopy and me,  
It's a psychic parasite that thrives on the bad,  
It's triggered more when I see or hear something sad,  
This too shall pass, but when I don't know  
The voice in my head is a noisy crow  
It feeds off negative emotion,  
I'm yet to find the right potion,  
I really hope that it will soon shift,  
And I will feel a little lift,  
Where the sun shines through,  
And I will stop feeling oh so blue.*

### **Sammy**



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