

# ***Independent Advisory Panel on Deaths in Custody***

**and**

 **Magistrates Association**

*Chair: Juliet Lyon CBE  
Head of Secretariat: Andrew Fraser*

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[www.independent.gov.uk/iapdeathsincustody](http://www.independent.gov.uk/iapdeathsincustody)

**The Rt Hon David Gauke MP  
Lord Chancellor and Secretary of State for Justice**

Dear Secretary of State,

## **Effective community sentences and the role treatment requirements can play in preventing deaths in custody**

On behalf of the Independent Advisory Panel on Deaths in Custody (IAP) and the Magistrates Association (MA), we are writing to ask you and your Ministerial colleagues to consider the findings and recommendations of a survey we have recently conducted of magistrates' views on sentencing powers and practice in relation to offenders with mental health conditions, learning disabilities and other needs.

This joint investigation by the IAP and MA is prompted by concerns about unmet mental health needs, the worrying rise of self-inflicted deaths in custody and exceptionally high levels of self-harm. According to your Ministry figures, 23% of men and 46% of women in custody have attempted suicide at some point in their lives compared to 6% of the general population. Yet despite this indicator of risk and vulnerability we note that, of the 75,750 community orders made last year, fewer than 1% (just 458) included a mental health treatment requirement.

The focus of our survey was on community sentences as an alternative to custody. We appreciate this is an area of particular interest to you and your colleagues – given the recent announcement of the extension of the Community Sentence Treatment pilots, which we welcome. We hope that this pre-publication copy will be of assistance in your work to strengthen such sentences and ensure their effectiveness.

Survey results show that magistrates are keen to have the full range of treatment requirements laid down in law, known and available to them as local sentencing options. Most would appreciate fuller, more timely information on the mental health and substance misuse needs of defendants and the social care and

support needed by people with learning disabilities. While magistrates did not think that prison should be used as a place of safety, some acknowledged that it can be used as a default where treatment options are not available.

We should welcome the opportunity to discuss the survey further and its implications for policy and practice.

Given the wide-ranging implications of this report, we are copying this letter and the report to a number of Ministers. A full copy list is below.

With kind regards



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cc.

- **Robert Buckland QC MP**, Minister of State, Ministry of Justice
- **Edward Argar MP**, Parliamentary Under Secretary of State, Ministry of Justice
- **Jackie Doyle-Price MP**, Parliamentary Under Secretary of State for Mental Health, Inequalities and Suicide Prevention, Department of Health and Social Care
- **Rt. Hon Nick Hurd MP**, Minister of State for Policing and the Fire Service and Minister for London, Home Office

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