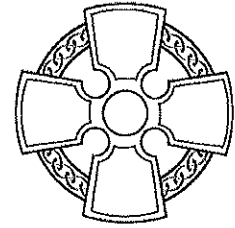
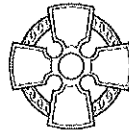


YR EGLWYS THE CHURCH  
YNG NGHYMRU IN WALES



ARCHBISHOP OF WALES and BISHOP OF SWANSEA AND BRECON.  
THE MOST REVEREND JOHN D E DAVIES  
ARCHESGOB CYMRU ac ESGOB ABERTAWE AC ABERHONDDU.  
Y PARCHEDICAF JOHN D E DAVIES

The Rt Hon. the Lord Thomas of Cwmgiedd  
The House of Lords  
London  
SW1A 0PW

6<sup>th</sup> July 2018

Dear Lord Thomas,

Further to our recent meeting, I am happy to provide some thoughts which, I hope, have some resonance with you and others. As you are aware, I write as someone who formally practised as a criminal law solicitor and also as one who retains a keen interest in issues of crime, punishment and rehabilitation.

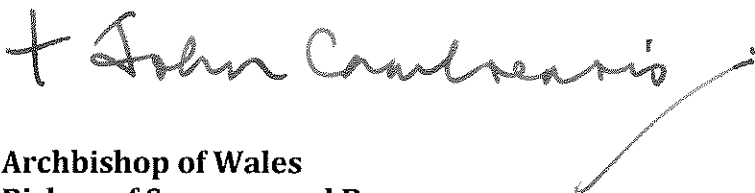
- The closure of a number of local courts, particularly magistrate's courts, has removed from the justice system what I believe to be an important element, namely local knowledge and even local understanding of some of those who regularly pass through the courts. Most recently I was concerned to note that the Magistrates Court here in Brecon has closed with the result that those summoned to appear often have long distances to travel. The administration and functioning of the Crown Court far exceeds that applicable to a Magistrate's Court, and I wonder whether, in the latter instance, there ought not to be an opportunity for some distinction to be made in relation to the level of seriousness of cases heard by the magistrates, with a possibility of some 'low grade' offences being dealt with in 'peripatetic' courts which could sit in surroundings far less formal than those usually found nowadays. There exist plenty of public halls and other spaces where magistrates could attend to hear straightforward cases in respect of which there is no need for the defendant to be held in a dock, and where justice could be dispensed much less formally and possibly much more speedily.
- The overcrowding of and the appalling conditions found within any number of our prisons are bound to give rise for concern, not least from the perspective of human rights and human dignity and also from the perspective of the opportunity to rehabilitate prisoners. I am well aware of the view that the possibility of any effective rehabilitation is significantly diminished in the case of prisoners serving particularly short sentences, but it must be the case that where prisons are hugely overcrowded with the result that staff are under huge pressure, less than effective attention might be given even to exploring possible rehabilitation. Real and urgent attention needs to be given to this shortfall of opportunity.

- The whole issue of whether it is appropriate for any number of prisoners to be actually held in prison to be so held requires examination. I am aware that there are occasions when those responsible for sentencing would wish to impose a sentence a part of which might include medical, psychological or supervisory care, find themselves unable to do so because of cuts in the financing of the relevant medical or supervisory agencies. Statistics relating to levels of reoffending do, I believe, bear out the suggestion that imprisonment is not, in many cases, the most appropriate form of penalty to be imposed, but evidence also suggests that there are too many occasions when alternatives are simply not available or practical.
- The significant reduction in the availability of legal aid is alleged by some to have had an adverse effect upon the efficiency with which some courts now operate. There is, of course, also the suggestion that this also (unjustly?) deprives defendants who may be inarticulate, frightened or simply hopeless, to be enabled to present their situations to those who will be responsible for dealing with them.

Much of what is set out above links quite clearly with the principles upon which the Commission will ground its eventual recommendations, so I hope that what I have suggested is not unnecessarily repetitive. Having said that, I wish you and your colleagues well as you grapple with the issues before you, and I hope very much that your eventual recommendations will be for the good of the judicial system, those whom it seeks to serve and those whom it seeks to protect and help.

With all good wishes,

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John Cundrean". The signature is written in dark ink and includes a long, sweeping flourish that extends downwards and to the right.

**Archbishop of Wales  
Bishop of Swansea and Brecon**