

Analysis of the Jacqueline Reilly Case

by Dr Rona Epstein

This article discusses the research I have been carrying out on the decisions of the county courts when a person is accused of breaching a [court order](#). This process derives from [civil law](#), the allegation and charge is being in contempt of court, not committing a crime. No crime has been alleged. None of the protections for [vulnerable defendants](#) embedded in the criminal system apply, yet the court has the power to commit someone to a period of imprisonment, immediate or suspended, of up to two years.

The county court decision of 18 December 2024

[Peterborough County Court](#) on 18 December 2024 committed Ms Reilly, a homeless woman, to prison for 18 months for contempt of court. She had entered and slept in a proscribed place, Peterborough YMCA.

This decision was made under civil law, not criminal law. She was found in contempt of court for breaching a court order. She was not accused of any crime.

Ms Reilly was not present at the hearing, nor was she represented. This is not uncommon in committal cases heard under civil law in the county courts.

The judgment: what it states, what it leaves out

The judgment was published on 15 July, months after the court case. This states that Ms Reilly had repeatedly breached an order forbidding her from staying overnight in the YMCA. It lists the previous court proceedings and punishments imposed for the same contempt over the past nine years. They amount to 78 months, 6 years 6 months.

The judgement states that ‘Indeed, Miss Reilly continues to assert with no apparent factual or legal basis that she has an entitlement to live in the building.’ It does not state or speculate as to why Ms Reilly might hold this erroneous belief. Has she been misguided by someone who assured her she could sleep in the YMCA? Or is she mentally unfit, or has her mind become clouded by drugs or alcohol?

The judgement does not state that she is [long-term no-fixed-abode](#). It does not refer to the connection between homelessness and mental health issues.

Homelessness and mental health

The hugely detrimental impact of homelessness on mental health is often overlooked. There are the physical impacts of homelessness, including sleeping on a cold pavement or a friend's sofa, going without nutritious meals, and having no permanent place to keep personal belongings. Not knowing where one will sleep every night leads to feeling anxious for one's safety, and being treated as if invisible. All these things add up, creating extreme levels of stress and anxiety, and this mental toll can make it even more difficult to go through the taxing process of finding a route out of homelessness.

Mental illness, whether diagnosed or undiagnosed, can act as a trigger, pushing someone facing difficulties into homelessness or greatly exacerbating their circumstances once they become homeless.

Homeless Link's [The Unhealthy State of Homelessness 2022](#) Report states that the proportion of homeless people with a mental health diagnosis increased from 45% in 2014 to 82% in the period 2018-2022. This is a significant and [worrying increase](#). Mental illness can result in homelessness; and being homeless can trigger mental illness.

Comparison with the Criminal Courts

By way of comparison with Ms Reilly's sentence, these sentences recently imposed in the Criminal Courts of 14 months, 15 months, and 18 months respectively.

- i. Mr M, 39, admitted causing death by careless driving and driving while uninsured or unlicensed, and was jailed for 14 months at [Luton Crown Court](#). 24 July 2023.
- ii. At Swansea Crown Court, on April 25 2024, DN was sentenced to 15 months in prison for assaulting his partner while she was pregnant and threatening the welfare of her unborn baby.
- iii. SW punched a man in his 50s in the face. The victim suffered serious injuries, including multiple skull fractures and blood clots on the brain, leaving him with significant brain injuries. At [Bournemouth Crown Court](#), he was convicted for inflicting grievous bodily harm without intent and sentenced to 18 months in prison. (31 July, 1 August 2025)

- iv. T.R, 18, was sentenced to 18 months in prison at [Liverpool Crown Court](#) on 7 May 2024, following two sexual offences against women in South Liverpool last year.
- v. M. pleaded guilty to a charge of actual bodily harm, following an unprovoked attack that left the victim with serious injuries. He was sentenced at [Leicester Crown Court](#) to serve 18 months in a Young Offenders Institute (27.2.2025).

Protections not available in contempt hearings

There are many safeguards built into the criminal law system. None of them apply to contempt of court hearings which come under civil, not criminal, law. Here we note some of the more important.

- o Legal aid is difficult to obtain for civil hearings. There is no ‘duty solicitor’ available to the county court to put forward mitigation for someone who does not have a defence solicitor.
- o The public interest factors which must be considered before a criminal case is brought (offenders are less likely to be prosecuted if elderly or suffering from significant mental or physical ill health) do not apply in the civil system.
- o The Probation Service does not serve the civil system. In contrast, in the Magistrates’ court a Pre-Sentence Report (PSR) must be obtained from the Probation Service before the court orders imprisonment, unless the court gives reasons as to why a PSR is unnecessary. (Adult Court Bench Book, April 2025, page 8). The civil courts being unable to request a PSR are less likely to learn of any physical or mental ill-health issues, or family problems.
- o In the Magistrates’ Courts the defendant should be legally represented (Adult Court Bench Book, April 2025, page 8). This does not apply in the civil courts. The Civil Justice Council’s [report](#) on anti-social behaviour and the civil courts found that half the defendants in the county court had no legal representative.
- o The county court, unlike the criminal court, has no power to impose a community order. Such orders provide support and supervision in the community, instead of prison.
- o In the civil court system there is no provision for liaison and diversion services to assess mental health problems, and to address provide support and help to address such problems and needs.
- o The Sentencing Council [advises the criminal courts](#) when there may be issues of mental ill-health. These Guidelines do not apply in the civil courts. Our research has revealed many instances where mental ill-health is mentioned in the judgment but imprisonment is nevertheless imposed.
- o Criminal courts must follow the Sentencing Guidelines on defendants who have dependent children, especially if he or she is the sole or primary carer of [children](#) (the ‘General Guideline: Overarching Principles’). In some cases, the court may think that custody is not inevitable but that it is one possible option. If so, the court should not

impose a prison sentence if the impact on any dependants would mean that the sentence was disproportionate to the aims of the sentencing. In other cases, the court may think that the crime is so serious that custody is unavoidable. If so, the impact on any dependants could be relevant to the length of the sentence and whether the sentence should be suspended. This does not apply in the county courts.

- o In the criminal courts the court must take account of the Sentencing Guideline on mental disorder (October 2020) which lays down how offenders with mental disorders, developmental disorders or neurological impairments must be treated. This does not apply in the civil courts.

Punishment must be ‘just and proportionate’

Those sentenced to imprisonment in the county court, under civil law, very rarely get legal advice and very rarely appeal. The Court of Appeal heard an appeal on 16 December 2022 (*Christopher Lovett v Wigan Borough Council* [EWCA Civ 1631]). The judgment states: ***Any sentence must be just and proportionate*** (para 56).

Could 18 months immediate imprisonment be regarded as a just and proportionate punishment for entering the YMCA to sleep there?

No oversight of the decisions made in the County Courts

In the Court of Appeal (*Devon County Council v Kirk* [2016] EWCA Civ 1221), Sir James Munby related the history of imprisonment of those found to be in contempt of court. From 1963, such committal was regulated by the Direction to the Official Solicitor issued in May 1963, requiring the Official Solicitor to: ‘Review all cases of persons committed to prison for contempt of court ... take such action as he may see necessary thereon and ... report thereon quarterly ... every year’.

This direction remained in force until revoked by Chris Grayling, as Lord Chancellor, on 1 November 2012. The modern practice was that prison governors notified the Official Solicitor of the reception of every person jailed for contempt of court very shortly after the prisoner’s arrival, which meant that the Official Solicitor could intervene, where appropriate, very quickly. The process of quarterly review by an officer of the court, instituted in 1830, continued until 2012. It served well those found to be in contempt of court, and more generally, the justice system. Those inappropriately imprisoned could be freed at the earliest appropriate time. Following Mr Grayling’s decision in 2012, the protection provided by the review procedure ceased to exist.

The need for reform

Earlier this year, I partnered with the [Manifesto Club](#) and academics including Professor Caroline Hunter at the University of York, to [raise the alarm](#) about the number of people imprisoned for minor or anodyne actions such as feeding the birds or asking for 50p. These Manifesto Club [reports](#) called for action to stop unnecessary, unjust and damaging imprisonments imposed, at huge public cost, on the most vulnerable in our society.

Judicial oversight is required to consider and report on whether the sentence of 18 months immediate imprisonment passed on Jacqueline Reilly can be regarded as ‘just and proportionate’.

We must ensure that our legislators reform the law of contempt so that county courts would no longer have the power to impose imprisonment on homeless people who have not committed any crime.

There must be a system guaranteed to ensure effective oversight of the decisions to commit to prison made in the County Courts under civil law, where the [long established](#) protections for defendants under criminal law do not apply.

A note of hope

The Law Commission is soon to release its proposals for reform of the system of contempt of court sanctions. They could propose reforms which would go a long way to right the injustices which this paper has outlined.

References

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