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MOJUK: Newsletter 'Inside Out' No 944 (29/03/2023) - Cost £1

Little Progress in Improving Outcomes for Black, Asian and Minority Ethnic Prisoners

Prison Reform Trust: Outcomes for Black, Asian and Minority Ethnic prisoners have failed to improve more than five years after the publication of David Lammy's seminal review of the criminal justice system, a new analysis by the Prison Reform Trust reveals. The Lammy review into the treatment of people from Black, Asian and Minority Ethnic individuals by the criminal justice system, published in 2017, contained 11 specific recommendations concerning prisons — all accepted by the government; as well as three further overarching recommendations on recording, monitoring and acting to address disproportionate outcomes. In the absence of any published update of progress since 2020, the Prison Reform Trust has gathered evidence of progress against these 14 recommendations to determine whether policies have changed to meet Lammy's original recommendations and, crucially, whether this has led to a change in outcomes for Black, Asian and Minority Ethnic prisoners. Six of the recommendations are rated red — indicating no progress; eight are rated amber — indicating partial progress; and none are rated green — indicating that a recommendation has been met and is having the desired impact. Black prisoners are more likely than other ethnic groups to have force used against them, and are far more likely to be subject to the use of batons and PAVA incapacitant spray

One of the red-rated recommendations concerns the use of force in prisons. Despite repeated assurances — including in response to a judicial review backed by the Equality and Human Rights Commission — regular statistics on the use of force are still not published, and there is no available evidence of performance in the application of the use of force policy. What data are available confirm that Black prisoners are more likely than other ethnic groups to have force used against them, and are far more likely to be subject to the use of batons and PAVA incapacitant spray. The prison service acknowledges this disparity but there is no evidence that they have applied the central 'explain or reform' principle called for in Lammy's review. There is no explanation and while policy measures including a 'use of force good practice guide' and national governance of PAVA use have been introduced, the problem persists, and the rollout of PAVA spray carries on regardless.

A recent thematic report by HM Inspectorate of Prisons highlighted the scale of the challenge that remains in bridging radically different perceptions of the extent of racism in prisons. Black prisoners and staff described examples of persistent race discrimination in their prison, while white staff felt there was very little or none. The Government's response to that report, published on 22 March, contains a sequence of further promised initiatives but no evidence to change our assessment of progress against the Lammy recommendations.

PRT Comment: "More than five years on since David Lammy's review revealed the shocking extent of racial disproportionality in our criminal justice system, our report shows that many of the issues he identified remain stubbornly persistent. Some of this is hard to excuse — such as the failure to publish transparent data; but some of it demonstrates the need to move beyond policy writing, and to find out if those policies are making the difference they're meant to. A recent assessment by prison inspectors strongly suggests that they're not, and the Government's response contains no evidence to change that assessment. With no update of progress in over three years, and no record of weather policies and practice have been changed when disproportionality is identified, it's far from clear that this subject really matters to ministers."

Child Trafficking Victim's Convictions Overturned Following CCRC Referral

A man who pleaded guilty to offences committed when he was a child victim of trafficking has had six convictions quashed by Croydon Crown Court. "Mr I", whose identity cannot be revealed due to the nature of the case, pleaded guilty to a range of offences including burglary, robbery and possession of cannabis between 2012 and 2014. In 2018, the Home Office decided that Mr I had been trafficked both into and within the United Kingdom for the purposes of forced labour and forced criminality.

The Criminal Cases Review Commission (CCRC) referred the six convictions after an investigation found that the Crown Prosecution Service failed to follow its own guidance around victims of trafficking, despite clear evidence that was available from the time of his arrest through to his sentencing.

Helen Pitcher OBE, Chair of CCRC said: "There is clear guidance on crimes committed by vulnerable trafficked children, but this sad case shows that miscarriages of justice still happen. It seems likely that Mr I would not have been convicted of these offences had proper enquiries been made and correct legal advice given. We urge any trafficking victims who feel they have received an unjust conviction to contact the CCRC and we will investigate their case at no cost to the applicant."

Released Prisoners' Who Die Drug Related Deaths

Every drug-related death is a tragedy. Between 1 April 2021 and 31 March 2022, 65 offenders supervised by the Probation Service in England and Wales under post-release supervision, died within two weeks of release from prison. Of these, 27 died as a result of a self-inflicted drug overdose (including intentional and unintentional drug overdoses), equivalent to 41.5%. This figure excludes deaths where drugs were a contributing factor, but not the cause of death.

Wales: Women's Experiences in the Criminal Justice System

The Welsh Parliament's Equality and Social Justice Committee have published the report from their inquiry into 'Women's experiences in the criminal justice system'. The report found that the criminal justice system fails to meet the needs of Welsh women and concluded that these women need more support to stay out of prison. In 2007 a landmark report by Baroness Corston called for a radically different approach for women in the criminal justice system. Most women received short prison sentences; long enough to negatively impact their lives but too short to deliver proper support and rehabilitation. Corston proposed the use of a network of community provision to address female offenders' complex needs. Over fifteen years later, progress with implementing Corston's recommendations has been disappointingly slow. Far too many women continue to receive short custodial prison sentences, eye wateringly expensive and with very poor outcomes.

(60% of prison sentences given to Welsh women from Wales in 2021 were for less than six months) We heard about the multiple difficulties facing women in prison. We were shocked to learn that short custodial sentences, even as short as a week, continue to persist despite having little to no benefit. We were concerned to hear that Welsh women experience additional challenges in custody to obtain consistent health care and prescribed medicines. We were disappointed to learn that, on release, many women do not have access to suitable accommodation and support; without it, many swiftly end up back in the criminal justice system. What the Welsh Government has set out to achieve through its joint Women's Justice Blueprint with the Ministry of Justice is commendable and we applaud this collaborative approach.

However our inquiry helps to illustrate why the current arrangements around the governance and administration of criminal justice in Wales are unsustainable. Frustration around the limitations of what is within the power of the Welsh Government is evident. The First Minister has spoken of a "moral hazard" in terms of Welsh Government funding much needed justice- related initiatives in Wales which would be financed by the UK Government in England. Our report recommends the need to clarify who is responsible for what under the current settlement.

More consistent provision of support services for women at risk of entering or already part of the criminal justice system across Wales is needed, including a suite of community sentencing options for non-violent offences. Without this consistency, women will continue to receive ineffective short prison sentences, with devastating implications for their children. We welcome what is being done to stop this cycle of trauma and waste of public money. We hope the recommendations set out in our report will help accelerate delivering the vision that Corston set out all those years ago.

PRT Response to the Welsh Equality and Social Justice Committee Consultation

Although in Wales criminal justice is not devolved, most of the solutions to women's offending, and the basis for effective preventive strategies, lie outside the justice system in other areas of social policy. Powers in relation to violence against women and girls, housing, social care and some aspects of health provision are devolved and can play a critical role in supporting women with multiple or complex needs, helping to prevent them coming into contact with the criminal justice system. If they have been involved in offending, policies and services in these areas can support women to turn their lives around. Progress There has been some welcome progress nationally in the approach to women in the criminal justice system. The UK government's Female Offender Strategy1 was published in 2018, setting out a distinct approach to women in contact with the criminal justice system in England and Wales. The strategy's focus on early

Intervention, community-based solutions and delivering decent conditions for those women who do have to be in prison, as well as an aim to reduce female prison places were welcomed. However, implementation has been slow and recent reports from the National Audit Office2, Public Accounts Committee3 and House of Commons Justice Committee4 have highlighted a lack of governance, no clear timetable for delivery and limited dedicated funding. The Ministry of Justice committed to a delivery plan for the strategy but this is yet to be published.5 PRT welcomed the Welsh government's Female Offending Blueprint when it was published in 2019. It set out a clear agenda for reform, bringing together partner organisations and had a clear focus on early intervention and diversion.

Alongside the blueprint, clear deliverables have been developed, with responsible agencies assigned. Progress on implementation of these deliverables is regularly reported against at the regular All Wales Women in Justice board meetings, which PRT attends. There are no women's prisons in Wales, and so many women in prison are held a considerable distance from home. They are likely to receive fewer visits which will affect their ability to maintain relationships and family contact. However, PRT and others have consistently argued that the absolute priority for the future of the custodial estate in England and Wales should be to plan for fewer women in custody, not for a women's prison in Wales.

The focus of the blueprint then on community alternatives and a reduction in short prison sentences is key to better supporting Welsh women in contact with the criminal justice system. The risk of focusing on custodial provision is that it diverts attention and resource from this prior task of reducing to an absolute minimum the need for prison accommodation in the first place. Residential Women's Centre PRT is concerned about the lack of women centre provision in Wales. If the new

centre can fill some of this unmet need by better supporting women in the community and diverting some women from short prison sentences, it will be a good thing. However, we are concerned that the centre should not become a prison in all but name. Residents will still be required to reside in the centre overnight, even if they will be free to leave during the day within the requirements of the sentence. Given that the centre is intended only to serve women in the local community, it is unclear what this residential requirement is designed to achieve. Any requirement which leads to women having to leave their home for extended periods will disrupt home and family life – factors which are protective of risk of reoffending. Provision will therefore need to be carefully targeted to women for whom the residential element of the centre will be a positive benefit. Effective resettlement arrangements will also need to be in place to ensure that women can transition to secure and stable accommodation once their sentence comes to an end. Furthermore, we are concerned that investment in the centre should not lead to the neglect of, and reduction in funding for, existing women's centres. These centres already provide tailored support in a one stop shop for women along the lines the residential women's centre proposes. These centres require long-term funding in order put community provision for women on a sustainable basis.

HMP Birmingham: Serious and Multiple Failures Probably Caused Prisoner's Suicide

Leigh Day Solicitor's: A catalogue of failures by custodial staff and the healthcare team (including the mental health team) at HMP Birmingham probably caused or contributed to the suicide of Jai Singh, a highly vulnerable remand prisoner, a jury concluded at the recent inquest into his death. In a detailed narrative conclusion, the jury identified eight areas of failings that probably caused or contributed to Mr Singh's death by suicide.

The key causative failings identified by the jury included the failure to communicate the repeated concerns raised by Mr Singh's sisters to relevant staff within the prison over his deteriorating mental health, a failure to use the available interpretation services in order to communicate with Mr Singh in his primary language, a failure to communicate between and within the custodial and healthcare teams, a failure to properly use the Assessment, Care in Custody and Teamwork (ACCT) book process, a lack of rigour in completing prison and healthcare documentation, a failure to carry out adequate welfare checks, a failure to assess Mr Singh for transfer to a secure unit under Section 48 of the Mental Health Act 1983, and a failure to transfer Mr Singh from the general prison wing to an inpatient mental health ward. The jury also found that the failure by the custodial and healthcare teams to heed and communicate the family's concerns, and the failure to allocate Mr Singh for caseload monitoring by an individual community psychiatric nurse, had possibly caused or contributed to his death. Mr Singh went to prison on 21 September 2021. Just a week after Mr Singh entered prison, his sisters began raising concerns to the prison's Safer Custody team that he was suffering from hallucinations and suicidal thoughts. His sisters continued to raise serious concerns about Mr Singh's deteriorating mental state and suicidal ideation to Safer Custody throughout his imprisonment. This included urgent pleas for Mr Singh to receive mental health treatment and to be transferred to a mental health hospital. However, these concerns were only communicated to the custodial and healthcare teams on a piecemeal and limited basis. Most of the clinicians and custodial staff directly involved in Mr Singh's care were not aware of the correspondence or its content.

On 3 December 2021, Mr Singh was assessed by an Independent Consultant Psychiatrist who concluded that he was suffering from serious psychotic features and required inpatient mental health treatment. The psychiatrist assessed Mr Singh as unfit to plead or stand trial and referred him to a medium secure psychiatric unit. However, owing to a series of failures in communication, Mr Singh was not

further assessed for s.48 transfer by either the prison mental health team or the external mental health unit. Mr Singh was therefore never transferred for treatment within a secure psychiatric setting.

On 14 January 2022 Mr Singh was assessed by another Independent Consultant Psychiatrist who also concluded that he was unfit to plead and required hospital transfer. On the same day, he was assessed by the visiting prison Consultant Psychiatrist, who concluded that he required urgent admission to the prison's inpatient mental health ward. Again, despite the Psychiatrist's referral to the prison mental health inpatient ward, this requested admission never took place. The clinical staff directly involved in Mr Singh's care were not made aware of the fact or rationale for this refusal. On 27 January 2022, Mr Singh was found unconscious in his cell at HMP Birmingham and was rushed to hospital, where he died in the early hours of 28 January 2022.

At the conclusion of the inquest Area Coroner Emma Brown confirmed that she would be issuing a Prevention of Future Deaths report to the mental health provider at the prison in respect of two areas she considered continued to pose an ongoing risk to the lives of others. The first was to involve prison Psychiatrists in the multi-disciplinary team meetings that co-ordinate mental health provision for prisoners on their caseload. The second was to consider inclusion of a running risk assessment document in the medical records of prisoners with mental health concerns, equivalent to the template often used in the context of community and inpatient mental health provision.

In a statement Mr Singh's sisters said: "Jai was kind and caring. Without him our world seems empty, and we cannot explain the pain of losing him. Jai was badly let down by the systems which should have protected him, and we want to make sure that no one else goes through what Jai did."

Leigh Day solicitor Maya Grantham represents Mr Singh's sisters. She said: "Despite every psychiatrist who assessed Mr Singh concluding that he required inpatient mental health treatment, and despite his sisters' repeated pleas for him to receive urgent help, he was left in the general population of the prison without the care and treatment he needed. The jury's wide-ranging findings demonstrate that the systems in place to protect people like Mr Singh failed him again and again."

UK Charter Deportations Mostly so Called FNO's: A Balance Sheet?

Corporate Watch: The most recent immigration statistics published by the Home Office state that the "vast majority of enforced returns" were of so-called Foreign National Offenders ("FNO"). These were overwhelmingly to European countries, but also included Ghana, Jamaica, Nigeria and Zimbabwe. The Windrush scandal showed how deportations to these post-colonial territories are systemically racist in nature, and particularly susceptible to procedural abuse. Many of those on the planes will be more at home in the UK than anywhere else, regardless of any irregularities in their immigration status.

The use of charter flights to deport criminalised people is a point we are continually reminded of by politicians to serve as their self-evident justification. Home Office propaganda focuses on the sometimes severe crimes of a few deportees. Yet according to activists and detainee support groups, such as volunteers with the Association of Visitors to Immigration Detention, most people are picked up for minor offences. Many deportees on these flights have human trafficking claims, and many have lived most of their lives in the UK. Despite extensive community ties, these people nevertheless face the additional punishment of becoming completely cut off from those communities after serving their criminal sentence.

There is also an ever-increasing conflation of so-called "foreign criminals" and asylum seekers. The Nationality and Borders Act, which entered into force last summer, criminalised "irregular arrival" so that anyone who comes autonomously to the UK to seek asylum can readily

be declared and convicted as a criminal. This intentional confusion between asylum seekers and foreign criminals was evident in reporting on the cancelled Iraq flight; comments from the Home Office meant it was originally described as carrying foreign criminals, when those due to fly were later found to be refused asylum seekers.

Over the years we have seen how the government targets huge numbers of people ahead of a charter flight in the hope that not all will be able to receive the timely legal advice needed to stay their deportation. The 18 May charter flight to Jamaica was originally scheduled for more than 100 people, but left with just seven on board after many were able to cancel their deportation pending a legal review. Several dozen detainees at Colnbrook IRC, not due to be deported that day, had also protested the flight inside the detention centre in a bid to prevent three people from being taken.

Understanding Recalls – Time to Shift the Focus

Peter Dawson, Prison Reform Trust: What we hear at PRT over and over again is that the support for IPP prisoners on release doesn't match up to the huge challenge of re-establishing a normal life in the community. In this article PRT director Peter Dawson explains why a forthcoming review by HM Chief Inspector of Probation provides an opportunity to examine not just the quality of decisions to recall people back to prison, but the quality of support that could prevent the need for such a decision even to be considered.

One of the very few apparently positive elements in the government's response to the Justice Committee report on the IPP sentence in February this year was the announcement that the chief inspector of probation would be asked to carry out a thematic review of IPP recalls. Following this announcement we wrote to the minister for prisons and probation, Damian Hinds, to ask that the terms of reference for that review should make sure that it could look not just at the quality of decisions to recall, but at the quality of support that could prevent the need for such a decision even to be considered.

What we hear over and over again is that the support for IPP prisoners on release doesn't match up to the huge challenge of re-establishing a normal life in the community when you have spent so long in prison on an unjust sentence. There's little point only looking at what happens when things have gone wrong if you don't also look at what could have been done to prevent that.

We've had a response from the minister. It's neither good nor bad news, because the terms of reference for the review still haven't been set. But the minister does at least acknowledge the point we're making.He could hardly not after the publication earlier this month of a scathing report by the probation inspectorate on how offender management in the community is working for people released from a prison sentence. The chief inspector highlighted the growth in recalls, at a time when prisons are already desperately overcrowded. He said: "Most recalls to prison were for non-compliance with licence conditions, resulting from homelessness, relapse into substance misuse, and a lack of continuity of care between pre- and post-release service provision." Justin Russell, HM Chief Inspector of Probation

In other words, people were not being recalled after committing further offences. In fact, the issues leading to recall were very often about the adequacy of the practical support they received and poor communication between prison and probation services.

We published a report on this issue — specifically how it affected people serving the IPP sentence — in December 2020, called No life, no freedom, no future, drawing on the testimony of people who had been through the soul-destroying experience of recall. We highlighted good and bad practice, and made a short list of recommendations that we thought could improve the sit-

uation. Back in 2018, our report Broken Trust had found many similar facts about the circumstances leading to women being recalled to custody. There is plenty of evidence for the chief inspector to draw on, and he has added to it in his thorough recent publication.

People were not being recalled after committing further offences. In fact, the issues leading to recall were very often about the adequacy of the practical support they received and poor communication between prison and probation services We expect a revised action plan on IPPs to be published by the end of this month, and have argued strongly that it should pay close attention to how to keep people out of prison once they have finally managed to achieve release. Failing to do everything that might make that possible is a terrible betrayal of the individual concerned. But it's also a failure to protect the public.

What people in prison have consistently told us is that recall doesn't just come as a crushing blow to motivation and hope, but that it also damages the trust between someone under supervision and their probation officer. And without that trust, successful resettlement is very much harder to achieve. Probation's motto used to be "advise, assist and befriend". All of those things are actually about protecting the public in the best possible way, by helping someone rebuild their life after prison. Let's hope the chief inspector of probation is asked to look at how the service could do more of that and, as a result, recall fewer people to prison.

Laws Restricting Right to Protest Undermine Civil Liberties

Venita Yeung, Justice Gap: Jeremy Hunt proudly proclaimed that the UK is "Europe's biggest defender of democracy" in his Spring Budget speech. Yet, the UK's civil liberties rating has been whittled down from "narrowed" to "obstructed" as a result of the government's new crackdowns on protests, voting, and strikes. The UK is now in the same category as countries such as Poland, South Africa and Hungary, according to the Civicus Monitor's recently published civic freedoms index. The report's authors said "For the last three years, civic space in the UK has been in decline. In September 2021, the country was placed on the CIVICUS Monitor Watchlist to signal a rapid decline in civic freedoms,"

According to the report, the Police, Crime, Sentencing and Courts Act and the controversial Public Order Bill, seriously undermine the right to protest. More than twenty worldwide civil society organisations highlight a worrying trend of drastic clamp down on civic freedoms. In a bid to crack down on "eco-zealots" (i.e. groups such as Extinction Rebellion, Insulate Britain, and Just Stop Oil) new criminal offences have been introduced, including Serious Disruption Prevention Orders (SDPOs). People carrying ordinary objects such as bike can be deemed to be attempting 'locking-on' (a tactic where protesters physically attach themselves to buildings) and there are extended police stop and search powers, which give authority to the police to shut down protests before any disruption has even occurred. The report also criticised the UK government's increasing authoritarianism as creating a hostile environment towards civil society, especially towards those charities and campaigners who actively oppose or speak out against its policies on climate change, anti-racism, and refugee and asylum seeker rights. This carries a chilling effect on some of their wider activities.

Civicus says that the results of the downgraded rating should be a wake-up call on striking the right balance between maintaining daily activities, essential services and effective governance while protecting citizens right to peaceful assembly. The report notes that it is crucial that the government review the implications of new legislation on civil society, to ensure that the UK is not taking a backward step and undermining the democratic principles which society is founded upon.

Women Prisoners: Opportunities For Sport and Physical Activity

Lord Bellamy Ministry of Justice: Encouraging engagement in sport and exercise amongst women and girls in contact with the criminal justice system can have a significant impact on reducing reoffending through both early intervention and diversionary activities, as well as rehabilitation for those sentenced. The Youth Justice Sport Fund is therefore funding over 200 voluntary and community sector organisations to carry out targeted work supporting children vulnerable to crime, using sport to address problem behaviour. We anticipate that 21-40% of the children being supported by the fund will be girls, which is lower than the national population but higher than the percentage of the offending population who are female (15%). While girls can access nearly all these services, a small number of these organisations specifically focus on girls as the primary cohort for early intervention. The evaluation report for the Fund will examine how future funding in sport can best engage and support girls at risk of entering the youth justice system.

We are continually improving our sport and Physical Education (PE) offer to all prisons, in particular by strengthening specific provision in the Women's estate. Activities such as trauma-informed Yoga training as well as pre- and post-natal instructor qualifications can improve wellbeing and prevent reoffending, especially in a prison setting. Through initiatives such as Parkrun and the Twinning Project (which connects prisons to local football clubs so prisoners can access coaching and develop new skills), we are also increasing access to activities that support resettlement both in prison and back into the community.

A Matter of Semantics Rather Than Substance'

Patrick Maguire, Justice Gap: Accountability is one of those irresistible principles of governance. It stands alongside other broadly defined precepts such as transparency, integrity, effectiveness and so on. Its allure lies in the fact that no one can argue it ought not to apply to the actions of public authorities. But what makes accountability such a pressing concern extends beyond the exacting scrutiny it entails, to the very concept of duty-bearing, and to the idea that acknowledging a problem is often the first step towards solving it. Speaking truth to power has its own kryptonite: where the mere recognition of wrongdoing by duty-bearers is so contested that the impetus for reform becomes illusory rather than actual. Accountability becomes a matter of semantics rather than substance.

In many ways, the idea of accountability is at the very core of policing in any democratic society. The notion of 'policing by consent' is rooted in the belief that for the police service to be effective, it must enjoy the support of the public in its actions. The role of this consent crystallizes most visibly in the police disciplinary system. The public, by having the right to complain about the conduct of officers, implicitly accept that they will be governed by forces who not only maintain and enforce professional standards across their ranks, but acknowledge when breaches have occurred following robust investigation and inquiry.

The centrality of this facet of policing to the maintenance of public confidence in law enforcement is perhaps one of many reasons why Baroness Casey's review of the Metropolitan Police Service has generated such a visceral reaction from individuals across the political spectrum, within policing and amongst civil society. Clocking in at 363 pages, the final report of the review, as summarised by Baroness Casey in her foreword, 'makes a finding of institutional racism, sexism and homophobia in the Met.' The review placed particular emphasis on the role played by the 'culture of denial' within the force; rather than embracing or learning from its mistakes, 'it looks for, and latches onto, small flaws in any criticism, only accepting reluctantly that any wrong-doing has occurred after incontrovertible evidence has been produced.'

To describe the reaction by stakeholders in policing to the report as divided would be an understatement. The National Black Police Association, an organisation which supports Black and Minority Ethnic (BME) staff and officers across forces in the United Kingdom, welcomed the report from Baroness Casey in its entirety and noted that it highlighted 'long standing issues which our association has raised with those in positions of power and influence over many years.' By contrast, the Metropolitan Police Federation (MPF) – the staff association to which every constable, sergeant, inspector and chief inspector in the Metropolitan Police Service belongs, totalling more than 30,000 officers – stated that 'the narrative in the media and from some police leaders and politicians over recent weeks that police officers should be guilty until proven innocent is not acceptable.' The MPF's implicit categorisation of the report as applying to 'a small number of individuals' and its pledge to protect officers 'traumatised by the constant attacks to their proud profession' was summarily criticised by Abimbola Johnson, a barrister and chair of the Independent Scrutiny & Oversight Board of the Police Race Action Plan.

Yet it is perhaps the reaction of the Met Commissioner, Sir Mark Rowley, in his interview with Sky News that underscores the persistence of the 'culture of denial' and the slipperiness of accountability within the force. On one hand, he conceded that he 'absolutely accept[ed] the diagnosis that Louise Casey comes up with' and accepted that 'we [the Met] have racists, misogynists and homophobes in the organisation.' Indeed, Rowley appeared to depart from the 'bad apples' approach to police misconduct and accepted that there were 'systemic failings, management failings and cultural failings'. Yet when pressed on the reason why he would not use the term "institutional", as was explicitly stated in the report, the Commissioner went on the defensive, noting that the term 'institutional' was 'very ambiguous' and that it was 'pointless to argue about definitions.' In support of this contention, Rowley argued that the definition of institutional racism used by Sir William Macpherson in the final report of the Stephen Lawrence Inquiry differed from that used by Baroness Casey in her most recent review.

In the absence of a clear and unambiguous definition of 'institutional' racism, sexism and homophobia, there will inevitably be disagreement about the extent of the problem. Yet what matters is not what precise iteration of institutional prejudice exists within the Metropolitan Police, but rather the fact that a perception of the problem exists. In the absence of any evidence to the contrary, Baroness Casey's review amounted to an independent and impartial investigation into the standards of professional behaviour and culture within the police force. Mark Rowley's acceptance of the Casey Review on one hand and his defensiveness surrounding his refusal to the use of the word "institutional" on the other only corroborates its findings in relation to the 'culture of denial' within the Metropolitan Police: the emphasis on small flaws in any criticism, and the subsequent abrogation of responsibility until more cases of egregious wrongdoing come to light.

The role played by the defensiveness of law enforcement in the facilitation of police misconduct has not gone unnoticed. In 1999, the Macpherson Report explicitly noted that institutional racism 'persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example, and leadership.' Macpherson further warned that 'without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation.' The Casey Review only illustrates how this process of denial has perpetuated various other forms of discrimination across the full range of administrative and operational activities within the Metropolitan Police. In response to the findings of the report, the Mayor of London Sadiq Khan said that 'this must be a watershed moment for policing in London.' The disjunctured reaction from stakeholders in policing does little to quell fears that this moment may be illusory rather than actual.

Transfers to Open Conditions — How "Yes" Became "No"

Peter Dawson, Prison Reform Trust: In our earlier blog (Parole – the plot thickens), we said we'd be asking the Ministry of Justice for the job title and qualifications of the person taking all the decisions to reject Parole Board recommendations for open conditions, and also what guidance they had received on the criteria for doing so. We submitted a Freedom of Information request, and have had a response, and again it's interesting!

First things first, we can now say confidently that the job title of the person given the responsibility to reject Parole Board recommendations to send someone to open conditions is the Head of Public Protection Group (PPG). The ministry's letter goes into great detail about why we shouldn't be told the person's name, but we didn't ask for a name and we really don't think it's relevant.

What the person's experience, training and qualifications for this important role might be does seem relevant, however, and the ministry's response doesn't tell us much. We are invited to be reassured that for all jobs in the ministry there is a "rigorous, comprehensive, recruitment process…which ensures that the appropriate qualified person, with all the necessary experience and skills are awarded the appropriate job based on their merit". The response doesn't mention training, although that was one of our questions.

It is impossible not to be struck by the contrast between the standards that apply to the Parole Board panel that makes the recommendation for open and what appears to be acceptable for the postholder who rejects it. This really isn't about a particular individual. But it is impossible not to be struck by the contrast between the standards that apply to the Parole Board panel that makes the recommendation for open and what appears to be acceptable for the postholder who rejects it.

A parole panel will bring a mixture of relevant professional experience from people appointed through a transparent public appointments process which culminates in the government publishing their names on the Gov.uk website. Panel members will all have been trained for their specific role before they are allowed to carry it out. They will have read all of the evidence in the parole dossier, heard and asked questions of the prisoner and other witnesses, and in every case explained to the prisoner who they are and how they reach a decision. In some cases, following recent changes championed by the secretary of state, the hearing may take place in public.

There's a reason that contrast matters. Here's an extract from a document produced by the ministry's own "evidence based practice team": "When people believe the process of applying the law (how decisions are made) is fair, it influences their views and behaviour. When people feel treated fairly and justly, they have more confidence in authority, see this as more legitimate, and they are more likely to accept and abide (or commit to abide) by decisions and rules." HMPPS Insights Group. In other words, the way you take decisions matters as much as the decisions you take. The process that produces a Parole Board recommendation meets that test — the process for rejecting it manifestly doesn't.

The second issue we asked about was what guidance the Head of PPG was given in order to make these very important decisions. We already knew that the secretary of state had expressed a wish to see a "more precautionary approach" when it came to decision on moves to open. But we wondered what that meant, when the Parole Board already has the protection of the public as its first and most important concern. How could the Head of PPG be sure that they were exercising the power delegated to them by the Secretary of State in the way he wanted? The answer appears to be that there was no guidance, or at least none that has been "recorded", to use the language of the ministry's letter.

Is it really possible that an official, however senior and carefully recruited, decided for themselves that those three words justified saying "no" in almost every case after years in which they had nor-

mally said “yes”? That’s pretty surprising when you consider the change in outcomes that those three words — “more precautionary approach” — have produced. Is it really possible that an official, however senior and carefully recruited, decided for themselves that those three words justified saying “no” in almost every case after years in which they had normally said “yes”?

If that is what happened, it would be an extraordinary use of personal discretion by an official. Frankly, it seems utterly improbable that a civil servant would act in that way. But if, as seems more likely, they were acting on the instruction of the secretary of state, that dramatic change ought at the very least to have been explained to the people affected by it, and been open to scrutiny in the way that all ministerial decisions are — through parliament, the press and, if necessary, the courts.

The recent Bailey judgment showed what a confused and chaotic situation was created by Dominic Raab’s desire to avoid the embarrassment of officials giving expert but inconvenient recommendations in individual parole hearings. It looks very much as though there was a similarly inadequate process when it came to interpreting his desire for a “more precautionary approach” on transfers to open conditions. The consequence is that the department has fallen disastrously short of its own professed dedication to procedural justice, and many hundreds of people have been treated unfairly.

Criminal Record Checks/Disclosure

As a society, we must strike a balance between the appropriate highlighting to the public of those who may possess criminal backgrounds and the ability of individuals who have paid their debt to society to rehabilitate back into civil life. Recognise that possessing a criminal record carries much stigma that can hinder individuals' ability to move on from their previous crimes and become productive members of society. Through the Police, Crime, Sentencing and Courts Act 2022, the Government brought forward several measures to update the criminal record framework and reduce the burden placed on past offenders. Through this Act, a rehabilitation period was introduced for some sentences of over four years, meaning that for non-sensitive jobs or activities, offenders would not need to disclose their conviction to their employers. In addition to this, those serving community order and sentences under four years would no longer have to reveal this to most employers. These measures aim to boost employment prospects and create a better path from offending and back into meaningful work.

British Mercenary who Commanded an SAS Regiment £4m Fortune Revealed

Phil Miller, Declasified UK: One of Britain’s most rapacious mercenaries amassed a fortune worth £4m before his death in 2008, an investigation by Declassified UK has found. The soldier of fortune, Colonel Henry ‘Jim’ Johnson, was once described by a senior British diplomat as having “political ideas [that] are probably to the right of Genghis Khan” – a reference to the infamously brutal Mongol emperor. Johnson commanded an SAS regiment in the 1960s before running a mercenary operation in the North Yemen civil war with the blessing of MI6. He then served as aide-de-camp to Queen Elizabeth until the 1970s when he formed two private military companies, Keenie Meenie Services (KMS) and Saladin Security. Keenie Meenie is thought to be Arabic or Swahili slang for covert operations. The firm propped up repressive Gulf monarchies, commanding the Sultan of Oman’s special forces and supplying bodyguards to Saudi Arabia’s oil minister Sheikh Yamani. Throughout the 1980s, KMS set up and trained a paramilitary police unit in Sri Lanka, that was accused of torturing hundreds of Tamils in the island’s civil war. The company also provided helicopter gunship pilots who flew on missions in which Tamil civilians were killed, sparking criticism from a United Nations watchdog. The

Metropolitan Police is currently investigating whether the firm committed war crimes in Sri Lanka, where authorities have never said how much they paid KMS for its services. Sri Lanka’s economy is bankrupt after decades of conflict and corruption. Britain’s high commissioner to Sri Lanka in 1986 estimated KMS was receiving two or three million pounds a year from the island’s government. The envoy described Johnson as a “glib, plausible and dishonest salesman”. KMS used bank accounts in Jersey and the Cayman Islands, putting its financial records beyond the reach of investigators. Gajendrakumar Ponnambalam, a member of Sri Lanka’s parliament, told Declassified: “It’s shocking to learn this British mercenary made such a phenomenal amount of money, given how heavily embroiled his company was in harrowing war crimes against Tamil civilians.” Ponnambalam, who leads the Tamil National People’s Front, added: “The Sri Lankan state needs to come clean and tell parliament how much they paid Keenie Meenie Services to help repress Tamils in the 1980s. “It’s especially important now during this economic crisis to have transparency over how much money was squandered on foreign mercenaries during the war against the Tamils.”

Brazil Violent Protests on the Streets Against Prison Conditions

BBC News: Several cities in north east Brazil are suffering from serious unrest caused by marauding criminal gangs. For the third night, gang members set buses ablaze and carried out gun attacks on buildings in urban areas in Rio Grande do Norte state. The attacks are thought to have been sparked by conditions in jails holding gang members. The attacks were ordered from within the state's jails when gang members' requests for televisions, electricity and conjugal visits were turned down, Brazilian news outlet Terra quoted the state's secretary of public security Francisco Araujo as saying. Conditions in Brazil's notoriously overcrowded jails have long been under scrutiny.

In 2017, the government sent a Penitentiary Intervention Task Force (FTIP) to Rio Grande do Norte jails following a riot which left at least 30 inmates dead. Some have said the task force routinely uses violent methods to bring prisons under its control. Local media have reported that two rival gang factions have now struck a temporary truce and become allies in the attacks against security forces. Several cities in Rio Grande do Norte suspended public transport and closed schools in the wake of the violence. At least two people were killed in clashes with police earlier in the week and 67 people have been arrested, reported AFP. Across the region, police have also seized a number of firearms, explosive devices and vehicles, as well as drugs and money.

‘Prisoners Should Have a National Pay Scale’

A watchdog has called for prisoners at different jails to be paid the same rate for doing the same job. Under the current system, each prison sets its own pay scales – so that a wing cleaner in one jail can be paid at twice the rate as a wing cleaner in another establishment, even if their hours and responsibilities are identical. In its annual report, the Independent Monitoring Board at Bure prison said: “Will the Prison Service consider the introduction of national pay rates for prisoners across the whole of the estate? Pay rates differ between various establishments, even for similar jobs, but prisoners nationally have to pay the same amount for canteen and catalogue items. This does not seem reasonable or fair.” Prisoners can typically earn between £10 and £20 a week for working or attending education classes. Workshop or “orderly” jobs tend to pay better than “domestic” jobs such as cleaning or serving meals on wings. Data about prisoners’ pay rates are not collated or published by the Prison Service. This information was from a ‘Freedom of Information Act Request’.