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MPs Criticise Lack of Resettlement Support

Prisons and probation are not doing enough to resettle prison leavers in the community, an investigation by MPs has concluded. Around half of the work which they are meant to do is not being routinely carried out, the Public Accounts Committee (PAC) found. It gave an example of essential handover meetings between prison and probation staff, which did not happen as intended in 50 per cent of cases between April 2022 and January 2023. The MPs said that the current "unprecedented pressures on the prison estate", with prisoner numbers at 99 per cent of safe capacity, was threatening the quality of resettlement services now and in the future. Dame Meg Hillier, chair of the PAC, said: "Shockingly, our report finds that around half of the work aimed at resettling prison leavers is not being routinely carried out. This makes even more critical the need for a long-term strategy to manage increased demand for resettlement services as the prison population continues to rise.

"The Ministry of Justice told our inquiry that its drive to save 7.5 per cent across its budget means it faces difficult choices, and that the easiest place for cuts to fall is in discretionary programmes, such as reducing reoffending. But it is these very areas that are likely to reap dividends long term if protected." Reoffending has been estimated to cost the UK £17 billion a year. The PAC report pointed to "encouraging signs" with an increase in the number of prison leavers finding employment. It also said that the Community Accommodation Service Tier 3 (CAS3) programme, which provides 84 days of housing to prisoners at risk of homelessness, was "working well" – but that finding longer-term accommodation "remained difficult".

The PAC report also highlighted figures showing that only 11 per cent of Black prison leavers are in work six months after release, compared with 18 per cent of White prison leavers, and that only 8 per cent of female prison leavers are in work compared with 18 per cent of male prison leavers. The report stated: "It is disappointing that HM Prison & Probation Service has not done more to understand why some prison leavers have better outcomes than others."

A Ministry of Justice spokesperson said "Reoffending rates have fallen from 31 per cent to 24 per cent since 2010, and this report highlights that more ex-offenders are getting into work and stable housing on release – key factors in cutting crime and keeping the public safe

"We are investing an extra £155 million into the Probation Service to recruit more staff, reduce caseloads and better support prison leavers, including an expansion of the rehabilitation programmes available to female and ethnic minority offenders".

Met Officers Investigated for Gross Misconduct In Stephen Port Serial Murder Case

Michelle Delavina, Justice Gap: The independent police watchdog has announced an investigation in eight current and former Metropolitan Police officers for gross misconduct that may have delayed the capture of the 'Grinder killer' Stephen Port. Over a 16-month period Port murdered four men in east London. The victims' family members accused police at the time of not taking the killings, by overdose of the date rape drug GHB, seriously.

The Independent Office for Police Conduct (IOPC) initially found there had been no wrongdoing by officers involved the case, despite the fact that basic errors in investigation allowed Port to kill again and again. After new evidence from a 2021 inquest hearing became known,

the IOPC announced in June 2022 that they were re-investigating the Stephen Porter case. Now, five current and three former MPS are being investigated for possible breaches of professional standards, including those relating to equality, integrity, duties, and responsibility. The IOPC regional director Steve Noonan said: 'Our re-investigation has been, and continues to be, thorough and detailed'. The investigation into the officers' conduct will take into account witness interviews, the murder trial, police investigations, and the four inquests into unexplained deaths.

Neil Hudgell, of Hudgell Solicitors welcomed the announcement that the officers are to be investigated and reiterated their 'dedication to...ensure full transparency and accountability'. If any of the eight officers are found to have committed gross misconduct in relation to the murder investigations, disciplinary procedures or criminal proceedings may follow.

Met Commander Jon Savell said: 'Since the deaths of Anthony, Gabriel, Daniel, and Jack we continue to work hard to ensure the service we provide is better while understanding we have more to do.' He said recognises that the police must be committed to improving their investigations and the public's trust that they can keep them safe.

Trying to Make the Most of it

The clichéd definition of the difference between an optimist and a pessimist is that the former will sit on a bar stool, look at half a pint in a pint glass, and announce it is half full, whilst the latter will describe it as half empty. I am afraid I am sitting at that bar and have just realised that someone has pinched my drink, drained it, ordered another, and told the bar staff to charge it to me.

Where we are heading? Setting to one side the tragic and frightening conflict in Israel and Palestine, we have just had the King's Speech in Parliament, in which the monarch reads out the plans for his Government over the next 12 months. It would be fair to say it did not inspire any confidence that they recognise the real problems in our justice system or, if they do, that they care enough to take the necessary action. What is worse is that I am not sure the Opposition are much better. We have seen the adverts for these plans over recent weeks. New legislation, we learn, will increase jail time for the "most serious crimes". That ignores that time spent in prison for this category of offences, including murder and serious sexual assaults, has been increasing over the past 20 years, with the average period in custody for someone serving a life sentence growing from 13 years in 2001 to 18 years now, and the minimum term given by courts growing from 13 years in 2000 to 21 in 2021.

Also that England and Wales have, by a significant margin, far more people on life sentences than any other country in Europe. The debate around sentencing, understandably, always focusses on victims and their families. That is how it should be, and it would be most understandable if the parent of a child who has been murdered would want to see the culprit locked up for ever. However it is not the role of the Court or Government to get revenge on their behalf but to deliver justice. Each crime is committed for a different reason; the Judge has this information in front of them as well as sentencing guidelines, the punishment decided on these varying factors. Justice Secretaries must honour this principal.

The proposed new Bill would mean that someone guilty of a "serious sexual offence" who is given a determinate sentence, not life, with a fixed tariff will serve every day of that term in prison, with no opportunity for parole. I believe this is a grave error of judgement, first of all because it takes us into the vague world of definitions. To a victim, any sexual crime is serious. Therefore, if they feel the punishment has been too "soft" they will press for it to be increased and various ministers give the impression they will deliver that. Secondly, release on licence after parole

ensures supervision once they are out of the gates, so helps keep the public safe whilst assisting the newly-released person to ease back into outside life. The implication of these changes will not only lead to more overcrowding in prison, but if a prisoner knows they will serve the full term no matter how they behave, it can deter them from rehabilitation and it takes away an incentive to participation in restorative justice sessions; or education and training; and even from behaving properly whilst in jail. Why follow officers' requirements if you are in for the full term anyway? Those on other determinate sentences will serve half the length in prison and the other half on licence, during which period they can be recalled. So, if you are on a 20-year tariff you are released after 10 and on licence for a further 10. Those inside for over four years, if appropriate, may receive extended Home Detention Curfews.

The presumption that those whose crime would lead to less than 12 months in jail should instead receive community punishments will be strengthened, certainly an improvement, but it will need resources for probation plus genuine community service programmes, not just ditch cleaning and graffiti removal. I would like to see further education added to such schemes. The role of probation will also include the need to give lie detector tests to some offenders. Training for this will be urgently needed as it will significantly affect the relationship with clients, even inspiring hostility.

Political games! The law will also be changed to allow this country to transport people overseas to serve their prison sentences, due to current and anticipated overcrowding. There will be a major argument over this provision, as it will clearly cause disturbance to family life by causing separation, which not only seems contrary to the European Human Rights Convention but is contrary to the Ministry of Justice's own statements that family links are vital. How will they select people to be shipped out? What appeals to the decision will be available? How can people receive proper preparation for release if education and training is limited by being dropped into a completely different system with a different language? How many will it involve, and how much will it cost? There will be a Bill before Parliament in which all this will apparently be explained, and which I hope will be opposed.

Each paragraph I write makes me feel even worse than the last, and this next one is particularly disturbing. We have heard it before, but here it is written down. It is the opportunity for ministers to override Parole Boards. The Victims and Prisoners Bill will, we are told, ensure "that Ministers have greater oversight of the release of the most dangerous offenders, including murderers, rapists, and terrorists". There will be a top tier of offenders whose release may be "subject to personal intervention by ministers so there will be a second check on behalf of the public to see if the person is safe to release".

For public, please read "popular newspapers". For "safe to release", understand it means "not going to cause the Minister bad headlines for being soft". We all know that as soon as someone convicted years ago of an infamous crime is going for parole the horror stories appear, and politicians jump up and down seeking to keep them inside. I prefer the often-cited Norwegian system in which there is a maximum sentence of 21 years, 30 for genocide or war crimes, at the end of which an application must be made to a court for an extension with evidence that the person still poses a danger to society. Evidence, not just a view that a politician wants to avoid looking weak. Clarity for victims too.

If I need to explain my concerns, I do not have to look very far to find comments from senior politicians who are seeking to influence matters in ways that suit their public image rather than improve society. Take the Home Secretary (at time of writing), Suella Braverman. Within the last few days alone she first tried to stop a march calling for a ceasefire in the Israel-Palestine tragedy by describing it as a "Hate March", thereby potentially legitimising potential action by extremist so-called patriots. She then said the police "play favourites" by being soft on this group but tougher on those

supporting right-wing causes. The Home Secretary is in charge of the police and had met them to discuss this very issue. If she had operational control of them in the way ministers will have over major Parole decisions, that would be very damaging. Her personal views would trump fairness.

However, her *pièce de résistance* was her comments on homelessness, where she said she wanted to stop homeless people from sleeping in small tents. They had, she said, made a "life choice" by deciding to sleep outdoors, which I guess would come as a surprise to them. It is not, according to her, the act of a desperate person with no alternative, but a decision similar to where to go on holiday, what to wear to a party, or red or white at a cheese and wine party. Particularly bad when you think that when people leave prison to homelessness, some are given tents by the jail. So they have no choice but to go out on the streets to sleep, then get arrested. Ms Braverman would send them back to prison, from where they can be released to the streets with a new tent. Unless the prisons recycle them, I suppose. That is why politicians should think before they make laws and not interfere afterwards in their implementation. Slogans, bitterness, and popularity seeking, do not go hand in glove with proper governance. That is why ministers should not be the "second check on behalf of the public". That is why courts and government must retain clearly-defined, separate, functions.

Desperately Seeking Salvation! I cannot find any comfort in the words of the Opposition either. They all too often try to out-tough the Conservatives, or simply say "we will do the same as the Tories, but more efficiently". We who passionately care need to get our collective acts together and push for positivity in manifestos for the next General Election, which we know will come some time in 2024. The current failures of the system are not going to heal themselves, and the King's Speech offers no solutions at all. So I go back to sitting on that lonely bar stool, gazing at the space from which my half pint disappeared, feeling worse, and I realise, after writing all this, that it appears someone has nicked my peanuts and my cheese and onion crisps, too. But I do remember, no matter how many times you get knocked down, you can get up again to fight on. Just ask Tyson Fury. A contentious points win would be good enough for me.

Why Oh Why Do We Lie - Words Matter but What if You are Lying

When we talk about lying, what we are really referring to is deception, which is an integral part of human nature. It is something we have always done. Studies in biological and social anthropology show that our ancient ancestors were themselves skilled in the art of deception. It served as a valuable behaviour in self-preservation. It protects resources, reduces conflict, protects against punishment and helps in the necessary rituals involved in dating and mating that ensure the continuation of the species. Deception can also be seen in many parts of the animal and plant kingdoms too. A chameleon is a lizard, not a tree.

Modern day investigative psychology has shown that we all lie approximately nine times a day. We do this to protect ourselves in some way, such as by ensuring social inclusion, through fabrications, omissions, embellishments, exaggerations, or downright lies. Studies also show that we tell more self-centered lies than those that might benefit others. I think what is called 'dupers delight' is even a recognised psychological phenomenon, where a person gains pleasure from lying and in getting one over on other people.

Despite deception being a common feature of human behaviour, there is one area of our lives where this particularly matters: criminal justice. Where if we get it wrong, the consequences are devastating. The fact that the prosecution presents their case to the jury first has come under considerable examination. The 'truth first' bias has been shown to be a strong

default feature of human psychology, where we tend to believe what we're being told before we detect deception – especially where this involves those who we are conditioned to trust, such as the police and those wearing a wig and gown in court. Uniforms matter.

Studies in cognitive psychology show that the confidence of a witness in a witness box is not closely related to the accuracy of the facts being examined. A strong belief that something happened is no indication that this actually happened. Worryingly, chartered psychologist Peter Randall states that the average person distinguishes lies from truth with little more than 50 per cent accuracy. If that is true, can we reliably trust the skills of jury members when it comes to truth detection?

In criminal trials, the use of loaded questions has been shown to create a phenomenon called the misinformation effect. This followed a 1974 study carried out by Loftus and Palmer which showed that a jury can be unfairly influenced by subtle forms of deception, such as replacing the words 'bumped into' with 'smashed into'. Words matter, as they carry their own emotional resonance. A fair trial is often replaced by a game of truth or dare. That's the opposite of criminal justice. Some of you will already know that.

Prison Inspectors Issue Second Urgent Notification for HMP Bedford

Reacting to the Urgent Notification for improvement at HMP Bedford issued by HM Chief Inspector of Prisons today 17/11/2023, Pia Sinha, chief executive of the Prison Reform Trust, said: "This is the fifth urgent notification the chief inspector has issued this year and the third against a reception prison. It is also the second urgent notification that Bedford has received. Many of the problems at the prison are symptomatic of a wider crisis of staff retention, prison capacity and underinvestment. The pattern of too few inexperienced staff looking after too many prisoners in cramped and squalid conditions is one repeated across the estate. However, questions must also be asked as to why Bedford has not learnt the lessons of the past or been able to implement sustainable change."

HMP Why Not?

Here at HMP Wymott, inmates tend to call the prison 'HMP Why Not?' The reason for the nickname is that we are forever asking 'why not?' Here are some of the questions we've been asking for a long time: Why is there no hot water again? - Why has the food budget gone up, yet quality and portion sizes have gone down? - Why were we all given a pay cut of 65 per cent when canteen prices are rising way above the rate of inflation? - Why do I never see my OMU (Offender Management Unit) or key worker? - Why have I been given an IEP (Incentives and Earned Privileges scheme warning) for having a boyfriend? Despite no staff witnessing any inappropriate activity. - Why are we locked down most nights without any pre-warning or exercise? - Why are punishments handed out in a disproportionate way? - Why is violent and antisocial behaviour acceptable, including all forms of discrimination? - Why is it OK for staff to bully and intimidate the vulnerable? - Why are there more gates and fences to go through in order to get to work in this Category C jail than at a high security jail like Frankland? - Why are they trying to force IPPs and lifers onto an underfunded, understaffed and specialist-lacking PIPE (Psychologically-Informed Planned Environment) unit, causing parole knockbacks in the process? - Why do I have to wear prison-issued clothing to visits, or healthcare, or anywhere else not in the wing? Or in the exercise yard. - Why is it so difficult to have things posted in? - And finally, but by no means least, why can I not progress out of this hellhole? This prison is not a place you would want to come to if you are looking to progress through the system. When you ask why, you are told 'because this is Wymott.'

Number of Welsh Prisoners Homeless on Release fas Trebled in One Year

*Hannah Matthews, Justice Gap:*The number of people sleeping rough after release from Welsh prisons has trebled in just one year according to new research by Cardiff University. The Wales Governance Centre's latest report shows that over 330 people are currently sleeping rough while under probation services, compared to 107 in 2022. The report also shows that Wales has the highest rate of 'in country' imprisonment levels compared to any other country in western Europe, with 177 prisoners per 100,000 of the population. This compares with 146 for England and Scotland, respectively, and 100 for Northern Ireland. The in country figure has been higher in Wales every year since 2019. Black people in Wales were the most over-represented ethnic group in prison with 53 Black people per 10,000. This compared with only 14 per 10,000 for white people, who were the only ethnic group under-represented in prison. Since 2010, the average custodial sentence length for Black defendants (25.4 months) has been 8.5 months higher than for white defendants (16.9 months).

The Justice Gap has previously reported that over a half of women given prison sentences serve less than six months. The WGC report highlights that 1 in 5 (21%) women who were sentenced to immediate custody in Wales received a sentence of one month or less. There were 226 Welsh women in prison in 2022 compared with 218 in 2021. This comes amid a string of crises being felt across the UK prison system. Recent reporting in the Justice Gap shows prisons are facing an overcrowding problem, resulting in last resort 'red alert measures' being taken more frequently. Dr Robert Jones, the report's author, concluded that 'taken together, these findings should remind government officials of the urgent need for drastic changes in the future direction of sentencing and penal policy in Wales.'

The Ministry of Justice, quoted by Nation.cymru, explained that changes to how data is recorded has led to an increase in the homelessness figures. A Ministry of Justice spokesperson highlighted that they were bringing an end to Friday releases to allow time for released offenders to find accommodation and support. They also said: 'We are rolling out a scheme across England and Wales to provide basic, temporary accommodation to otherwise homeless prison leavers to help cut crime. It will support thousands of prison leavers each year, providing them with a base and time to find a permanent home as well as better access to healthcare and maintain a job.' In response, a Welsh Government spokesperson highlighted their commitment to ending homelessness in Wales through launching their Ending Homelessness in Wales White Paper which sets proposals 'which aim to prevent homelessness amongst prison leavers and to address the disproportionate impact of homelessness on this group, building on the already strong partnerships between local authorities and criminal justice agencies in Wales.'

United Nations Calls for Resentencing of IPP Prisoners

The United Nations has thrown its weight behind calls to resentence everyone still in prison on an endless Imprisonment for Public Protection (IPP) sentence. Dr Alice Jill Edwards, a special rapporteur appointed by the UN Human Rights Council in Geneva, published a letter she wrote to the UK Government in August which calls on it to carry out the resentencing exercise – as recommended by MPs on the Justice Select Committee (JSC) in a report last year.

Inside Time reported in August that Dr Edwards had called on the UK to review its policy on IPP, but at that time she did not publicly say what solution she was seeking. However, in the newly-disclosed letter she states: "It is our assessment that the continual application of this system of preventive sentencing, now abandoned because of its widely accepted deep flaws, requires your Excellency's Government to embark on a re-sentencing programme of all

remaining IPP prisoners as a matter of utmost priority.” She also puts a series of questions about IPP to the Government, stating that she would like answers within 60 days. One of the questions asks whether the Government will carry out a resentencing exercise and adds: “If not, please explain why this is not considered a viable and fair part of the process.” When the JSC recommended resentencing last year, then-justice secretary Dominic Raab rejected the idea. His successor Alex Chalk, the current Justice Secretary, has also said he does not support it.

IPP sentences were handed down by judges in England and Wales between 2005 and 2012 for serious violent or sexual offences which did not warrant a life sentence. Each one carries a tariff, or minimum period in custody – but once this has been served, the individual remains in custody until deemed safe to release by the Parole Board. Out of more than 8,000 people who were given the sentences, 2,900 are still in prison – half of them having been released then later recalled for breaching licence conditions. The UN letter, signed by Dr Edwards and four other senior UN colleagues, states: “The scheme’s abolition in 2012 was the correct decision, however, there appear to be considerable ongoing failures to tackle fully the situation of the remaining prisoners who have been sentenced under this flawed system, which has multiplied the range and seriousness of human rights violations. “It is our considered opinion that the level of uncertainty brought about by these sentences, such as not knowing whether or when a person will be released, or if released, for how long they would remain subject to the State’s recall, or how such release can be secured, create levels of pain or suffering beyond those inherent in or incidental to lawful sanctions, as specified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 1), to which the UK is a State party since 1988.”

Cut Staffing in Prison Service Headquarters Put them to Work in Prisons

A think-tank with close links to the Conservative party has called the Prison Service “a bloated and stifling bureaucracy” and called for staff to be transferred from its headquarters to jails. A report published by Policy Exchange called for an urgent review of HM Prison and Probation Service (HMPPS), and the Ministry of Justice, in order to shift funding towards front line posts. The report pointed to figures by the Ministry of Justice which show that in March 2018 there were 2,090 staff at HMPPS headquarters and 32,161 staff in Prison Service establishments. By March 2023, the number of headquarters staff had risen to 3,749, and increase of 79 per cent, whilst the number of staff in establishments had risen to 35,190, an increase of only 9 per cent.

Among the recommendations in the report were: “An urgent review of all non-operational Ministry of Justice and His Majesty’s Prison and Probation Service posts should commence immediately. The number of non-operational posts must be reduced to 2018 levels, with the budget shifting to investment in senior operational roles.” The report added: “While there are many hard working and committed public servants working in our prison system, the Prison Service has a prevailing leadership culture of low accountability and low standards. The administrative and bureaucratic leadership of the Ministry of Justice and His Majesty’s Prison and Probation Service has ballooned, while the number of those on the operational frontline has barely experienced any growth at all. “Governors often have insufficient autonomy to make decisions which would lead to better and more efficiently run prisons, considerable improvements for prisoners and reduced risks to the public once prisoners are released. In particular, the centrally mandated system of procurement and contracting is Byzantine and ineffective. When even the most egregious failings are identified, it is rare that anyone is genuinely held to account.” The author of the report, David Spencer, is head of crime and justice at Policy Exchange and a former Detective Chief Inspector in the Metropolitan Police.

High Court Quashes Decision of Police Complaint Appeals Panel

Leonie Hirst acted for the successful claimant in a judicial review claim against West Mercia Police challenging the decision not to uphold his police conduct complaint, in a case raising issues about the use of police powers against individuals with chronic mental illness.

The claimant has significant mental health problems, which had resulted in numerous welfare calls to the police made on his behalf by concerned family members and professionals. In September 2019 the claimant threatened to kill himself and his parents contacted West Mercia police requesting that officers check on his welfare. The claimant was arrested for a malicious communications offence and detained in a cell overnight. The claimant’s mother made a complaint on his behalf about the conduct of the police, challenging the decision to arrest him and his treatment whilst in police custody. The subsequent internal investigation showed that the intention of senior officers was to arrest and detain the claimant as a deterrent to prevent future welfare calls.

The High Court found that the appeal panel had failed to address the substance of the complaint and in particular had not addressed the strategy of using arrest and detention in a mental health case; the decision was not adequately reasoned and was irrational. The decision was quashed and remitted for reconsideration. A separate civil claim for damages has settled.

Japan: Women Seriously Abused in Prisons

Japan is overly reliant on imprisonment as it lacks sufficient options for alternatives, such as community service. Once imprisoned, many women suffer serious human rights abuses such as being restrained when pregnant, inadequate access to healthcare including mental health-care, arbitrarily being put into solitary confinement, and verbal abuse by prison guards. While Japan should improve prison conditions, it should also move to decriminalize the simple possession and use of drugs and introduce new non-custodial measures, as imprisonment should be the last resort. – Many women imprisoned in Japan suffer serious human rights abuse and mistreatment, Human Rights Watch said in a report released today. The Japanese government should urgently adopt reforms to improve prison conditions, decriminalize simple possession and use of drugs, and provide alternatives to imprisonment.

The 76-page report, “‘They Don’t Treat Us like Human Beings’: Abuse of Imprisoned Women in Japan,” documents the abusive conditions in many women’s prisons in Japan. Government policies towards women in prison violate international human rights conventions and contravene international standards such as the United Nations Standard Minimum Rules of the Treatment of Prisoners, known as the Mandela Rules. Prison authorities use restraints on imprisoned pregnant women, arbitrarily employ solitary confinement as a form of punishment, verbally abuse women in prison, deny incarcerated women’s opportunities to parent their child in prison, and fail to provide adequate access to health and mental health care.

Japan also imprisons many women for the simple possession and use of drugs without ensuring adequate access to effective and evidence-based treatment for substance use disorders. Judges are limited in their authority to utilize alternatives to imprisonment for crimes, such as petty theft, because noncustodial measures such community service are not included in Japan’s penal code. “While the conditions women face in prison should be urgently improved, the reality is that many of these women shouldn’t have been punished by imprisonment in the first place,” said Teppei Kasai, Asia program officer at Human Rights Watch. “Instead of depending on imprisonment to address crime, Japan should consider alternatives to imprisonment while moving to decriminalize simple drug-related violations.”

Human Rights Watch conducted research across Japan between January 2017 and January 2023, interviewing nearly 70 people, including dozens of formerly imprisoned women, as well as legal and justice reform experts. Article 482 of Japan's Criminal Procedure Code allows prosecutors to suspend prison sentences for various reasons, including the imprisoned person's age, health, and family situation. However, Human Rights Watch found that prosecutors rarely invoke this law, shown by the fact that only 11 incarcerated women had their sentences suspended over the last five years.

Once imprisoned, many women face serious abuses behind prison walls. These include the mistreatment of imprisoned transgender people, inadequate access to medical and other basic services, separation of women from their babies, and enforcement of overly stringent restrictions on communications both inside the prison as well as with the outside world.

Japan is a party to the core international human rights conventions, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which concern criminal justice and the treatment of imprisoned people. In addition to the Mandela Rules, relevant international standards include the UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) and the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). Japan's current justice system and prison practices violate provisions of these conventions or contravene these international rules and standards, Human Rights Watch said. "Imprisonment, which under current conditions results in serious human rights violations, should be a last resort," Kasai said. "Instead, Japan should adopt the necessary reforms for a rights-based approach that would effectively decrease the population of women's prisons to ensure their rights are protected."

Victim of Trafficking/Modern Slavery - Criminal Convictions Quashed

This applicant, now aged 24, pleaded guilty to drugs offences committed when he was a teenager, and was sentenced in 2017 to terms of detention. He now makes applications to this court on the basis that at the time of the offending, he was a victim of trafficking or modern slavery (for convenience, a "VMS"). The applicant further applies for an order granting him anonymity in these proceedings. We have considered the principles stated by this court in *R v L* [2017] EWCA Crim 2129 at [9-15]. We bear very much in mind the importance of the principle of open justice. We are however satisfied that it is necessary and appropriate to make an order for anonymity. As will become apparent, the applicant has been recognised by the Single Competent Authority ("SCA") as a VMS, and we accept that there is a real risk that he will be subject to reprisals and/or to further trafficking if his true identity is revealed.

Moreover, issues which in some respect overlap with the issues before this court have also arisen in proceedings before the First-tier Tribunal (Immigration and Asylum Chamber) ("the FTT"). An order for the applicant's anonymity was made in those proceedings. The purpose of that order would be defeated if he were identified in these applications. We therefore grant the applicant anonymity in these proceedings. We order, pursuant to s11 of the Contempt of Court Act 1981, that in any report of these proceedings the applicant must not be named, and should be referred to only by the randomly-chosen letters "BSG".

Analysis: All of the applications turn on the applicant's core contention that he was a VMS and that he should therefore not have been prosecuted; or, if prosecuted, should have been advised of a defence under s45(4) of MSA 2015 which would probably have succeeded; or alternatively, that he should have been sentenced much more leniently than he was. If that

core contention fails it is not suggested that there is any other basis for challenging the safety of the Canterbury convictions or for challenging any of the sentences.

In those circumstances, it is unnecessary to engage in any detailed examination of the circumstances of the offences. It is sufficient, in our view, to focus on issues relating to the statutory defence. We therefore do not think it necessary to give detailed consideration to whether there would have been a prosecution if the facts now asserted had been known to the CPS, or to whether a defence of duress, or an application to stay the proceedings, would have succeeded. We are therefore satisfied that the extensions of time should be granted and the appeal against conviction of the Canterbury offences allowed. The appeal against sentence in relation to those offences accordingly falls away.

The unlawful sentence imposed for the Aylesbury offences must be quashed. For each of those offences, the appropriate sentence was in our view a detention and training order for 24 months: although the judge would have had power to impose sentences of detention for a longer term, we think that he would have imposed detention and training orders if he had properly considered the sentences lawfully available to him. We are not persuaded that this aspect of the hearing should be adjourned to await the decision of the CCRC.

For those reasons we grant the necessary extensions of time. We admit as fresh evidence all the evidence referred to in paragraph 35 above except for the report of Ms Beddoe. We grant leave to appeal, allow the appeal against the convictions for the Canterbury offences and quash those convictions. We grant leave to appeal and allow the appeal against the sentences for the Aylesbury offences: we quash the sentences imposed below and substitute on each count, concurrently, a detention and training order for 24 months. Those sentences have, of course, already been served.

Prison Officer Convicted of Misconduct in Public Office

Imran Khan and Partners: Following an extensive investigation by the police and CPS, the prison officer that was charged with Mesut's care, Graham Evans, has today 20/11/2023, been convicted by a jury of Misconduct in Public Office at Worcester Crown Court. Graham Evans fabricated the number of welfare checks he conducted on Mesut. He was on overnight duty at HMP Hewell on 7 June 2018 and was required to check on Mesut, who was high-risk, four times every hour. He recorded that he had carried out a total of 33 checks but CCTV footage later revealed he had performed only 15, leaving Mesut unsupervised for significant periods of time. The conviction is welcomed by Mesut's family particularly given that it is so rare for prison officers to be held to account for failing to care for inmates. They ask for privacy at this sensitive and difficult time.

HSBC 9' – Vindicated as Jury Finds Nine XR Activists Not Guilty

Source: 'The Canary': A jury has found nine members of Extinction Rebellion (XR) not guilty of over £500,000 of criminal damage to HSBC – after the group took action against the notorious bank and its backing of fossil fuels. In a decision which vindicates the actions of nine women who broke the windows of Europe's second largest investor in fossil fuels, HSBC, a jury at Southwark Crown Court today 17th November, returned a verdict of 'not guilty' after just two hours deliberating. Celebrated British fashion designer Stella McCartney CBE, who designed the clothing for Team GB in the London 2012 Olympics, dressed the 'HSBC 9' women for court, lending them shirts, blazers and suits to wear during the trial.

The nine defendants included, 23 year-old recent graduate Jessica Agar, 32 year-old journalist Holly (Blyth) Brentnall, 71 year-old grandmother and former candidate for London Mayor Valerie Brown, 30 year-old community organiser Eleanor (Gully) Bujak, 40 year-old Extinction Rebellion

co-founder and associate lecturer in sustainable fashion at Central Saint Martins, Clare Farrell, 25 year-old musician and nanny Miriam Instone, 47 year-old mother and retired school nurse Tracey Mallaghan, 65 year-old grandmother and retired community care worker Susan Reid and 41 year-old former fashion designer Samantha Smithson. The women were on trial for an action which took place at 7am on April 22nd 2021, during which they cracked the glass in several of the windows of HSBC's HQ in Canary Wharf, London. The women wore patches reading 'better broken windows than broken promises' and placed stickers on the windows of the bank reading '£80 billion into fossil fuels in the last 5 years' before cracking the glass using hammers and chisels.

£500k of damage vs £80bn of fossil fuel investments. The verdict came after a three week trial, where just over half a million pounds worth of damage by the nine women was set against the £80 billion of fossil fuels investments by HSBC in the five years following the Paris Climate Agreement, when over 195 nations pledged to keep global temperatures below 1.5 degrees. The jury made several requests for further information during the course of the trial, including for an explanation of the Paris Climate Agreement, information on what the British Government has done to address the climate crisis and an explanation of how HSBC was able to come up with the estimated cost of the damage to the windows, just over half a million pounds, within hours of the action.

Post Office Horizon Inquiry Marred by Disclosure Failings

Samantha Dulieu, Justice Gap: The statutory inquiry into the UK's biggest ever miscarriage of justice is facing delays due to the failure of the Post Office to disclose evidence. Key witnesses who were due to address the inquiry this week have now been delayed, as the Post Office has not yet disclosed documents, or has disclosed thousands of pages of evidence without enough time for witnesses to review them. The inquiry is currently addressing how former sub postmasters were convicted, including hearing evidence from lawyers who prosecuted the criminal cases against them.

Warwick Tatford, a barrister instructed by the Post Office in the criminal trial against two former sub postmasters, has apologised to those he prosecuted. He told the inquiry 'I feel ashamed that I was part of this'. One of those prosecuted by Tatford was Semma Misra, she was pregnant with her second child when she was handed a 15 month prison sentence for false accounting. Warwick Tatford addressed her as he gave evidence: 'I can see Mrs Misra and I'm very sorry'. Tatford said in his evidence that he had received disclosures from the Post Office that indicated the reliability of the Horizon system but they 'didn't go far enough'. The inquiry heard that it was on account of disclosure issues that Seema Misra didn't receive a fair trial and was ultimately wrongfully imprisoned.

Senior lawyer for the Post Office, Jarnail Singh, was due to give evidence. Postponing this session, the inquiry's chair Wyn Williams, said: 'I have reached the decision that [Jarnail Singh] giving evidence next week is not possible because there is every likelihood that the Post Office will in the course of the next either hours or days disclose many documents which are relevant to him.'

Fujitsu IT Executive, Gareth Jenkins, was due to give evidence from the 30 November, however Wyn Williams announced this would now be delayed for several months. He said: 'Due to the obvious importance of Mr Jenkins' evidence to my inquiry I have decided there should be a substantial period of time which should now elapse before I schedule Mr Jenkins.' He added that this decision was made with 'considerable regret and frustration'. Jenkins was first due to give evidence in July but this was delayed due to the disclosure of thousands of relevant documents by the Post Office just hours before the session was due to start. Gareth Jenkins is currently being investigated by the Metropolitan Police for perjury in relation to evidence he gave in trials against several wrongfully convicted sub postmasters.

Child Prisons in England and Wales 'Significantly More Violent' Than Adult Jails

Helen Pidd, Guardian: Prisons holding children are "significantly more violent" than jails holding adult men and most fail to deliver "one meaningful conversation with a child each week", the chief inspector of prisons said. Charlie Taylor said that despite the government spending £300,000 for every child in custody a year, levels of violence and self-harm are rising across the youth prison estate in England and Wales. But he urged the government not to allow the use of pepper spray on incarcerated children – a demand of the Prison Officers Association amid a 28% increase in assaults in the youth estate in the past year – saying it "risks increasing rather than reduce hostility".

Taylor said two reports from his inspectorate paint a "bleak picture" of youth custody in England and Wales. The Children in custody 2022-23 report, which interviewed children aged 12 to 18 in secure training centres (STCs) and young offender institutions (YOIs), found that children continued to spend far too long alone in their cells. Just 46% of children reported feeling cared for by staff, and 32% of children did not have a single member of staff they trusted to help them if they had a problem. "Despite employing hundreds of staff and dozens of managers, most sites are unable to deliver one meaningful conversation with each child a week. Given these circumstances it is unsurprising that most do not feel cared for by staff and few are motivated to behave well," wrote Taylor.

In Cookham Wood YOI, inspectors found that out of 77 boys, 20 were locked in "what was effectively solitary confinement", Taylor told BBC Radio 4's Today programme. "Two boys had been locked in their cells for nearly 100 days with barely any human contact at all. The idea that this is going to rehabilitate people – that it's going to make them able to stop committing offences when they come out – is simply fanciful." An inspection of Werrington YOI, also published on Tuesday, found that serious disorder had increased by 76% over the past year, with multiple incidents requiring the deployment of national resources. This included groups of boys trying to smash through doors to get to other children.

Taylor said: "The youth estate is significantly more violent than prisons holding adult men. We are storing up real problems for the future by failing to help children learn better ways to manage frustration and conflict and giving them access to the education many of them have missed out on in their lives before they were incarcerated." While levels of staffing are a problem in adult prisons, children's establishments are "richly resourced", said Taylor. Werrington employs 340 staff to care for just 89 children, though half of frontline officers were unavailable for duties at the time of inspection "because they were unwell or had been injured in the course of their work", he said. The youth custody estate is "not short of cash", Taylor told the BBC, saying the government spent "about £300,000 per child per year to keep them locked up".

The rising levels of violence has prompted the Prison Officers Association to lobby the government on allowing the use of Pava or pepper spray in youth custody. Taylor said he had "serious concerns" about its introduction and would worsen the already "poor trust" between staff and children. "The idea of adding something as drastic as Pava into the mix, which risks increasing rather than reduce hostility, is a very worrying step in the wrong direction," he wrote.

The average population of children and young people held in STCs and YOIs was 434 in 2022–23, compared with 939 in 2015–16. A Ministry of Justice spokesperson said: "The number of children in custody has fallen by 79% since 2010 as a result of early intervention work and the wider use of robust community sentences." They said those children that remain "have often committed the most serious offences and have exceptionally complex needs". They added that the MoJ were "recruiting a specialist youth justice workforce trained to work with extremely vulnerable children".