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Disproportionate Use of PAVA Spray on Black and Muslim Prisoners 'Normal'

Prison Reform Trust: The disproportionate use of PAVA incapacitant spray on Black, Black British and Muslim prisoners is now so firmly established that it has become normalised, according to a new analysis published today by the Prison Reform Trust. The briefing reveals that since PAVA spray was introduced, the scale of the disparity in its use against Black/Black British prisoners has increased. It finds that the prison service is failing to meet its legal obligations under the Public Sector Equality Duty (PSED). PAVA is now available to staff in all adult male prisons, after the Ministry of Justice failed to honour a commitment to make the authorisation of PAVA conditional on prisons successfully demonstrating their readiness for the weapon. This would have required individual prisons to demonstrate they understood the trends in their use of force and any areas where it was being used disproportionately, before being permitted to introduce the spray.

The commitment was originally made in response to a judicial review backed by the Equality and Human Rights Commission in 2019. Analysis by the Ministry of Justice in response to the review revealed that there was disproportionate use of force in prisons against younger people, black people and Muslim people, which the Ministry of Justice was unable to explain. Following a further judicial review in 2020, after the decision to roll out PAVA without readiness assessment safeguards, the Ministry of Justice committed to publishing further national use of force statistics to support public monitoring and scrutiny of PAVA use. Yet, three years on, this remains unfulfilled.

Black/Black British men make up approximately 13% of the adult male prison population. However, data published in response to a series of parliamentary questions establishes that the use of PAVA has steadily become more disproportionate: Between April 2019–March 2020, the first year PAVA was available, 12% of the individuals on whom PAVA was deployed were Black/Black British. By November 2021, 39% of those on whom PAVA was deployed were Black/Black British. By December 2022, the disproportionate use on Black/Black British prisoners had increased to 43%. By September 2023, this disproportionality against Black/Black British prisoners had become normalised—accounting for 41% of all incidents where PAVA was deployed. The data also reveal that between April 2019–December 2022, 30% of those on whom PAVA was used were Muslim, despite accounting for around 17% of the male prison population.

HMPPS has continued to expand the number of prisons in which PAVA is available. However, it has been unable to explain why PAVA is being drawn and deployed disproportionately. Despite the extreme disparities, the possibility of other causal factors has allowed for denial by HMPPS that race or religion is a sufficient explanation of the disproportionality. The briefing argues that the decision to roll out PAVA across the entire adult male prison estate represents a failure of HMPPS to honour its obligations under the PSED.

The PSED requires HMPPS to: (1) show due regard to the need to eliminate discrimination; (2) show due regard to the need to foster good relations between people who share a protected characteristic and those who do not; and (3) produce evidence to demonstrate compliance. Crucially, these obligations begin before the implementation of a policy, and cover direct and indirect forms of discrimination—a policy does not need to be intentional to be discriminatory. If the evidence does not establish a valid reason for a disparity, the policy or practice is unlawful indirect discrimination. A failure to address that would amount to a breach of the PSED. The briefing calls on HMPPS to: (1) Suspend further expansion of PAVA. (2) Publish its data on use of force data and PAVA. (3) Publish the steps it has taken to reduce disparities. (4) Document any changes it has introduced in governance to eliminate indirect discrimination. (5) Commission the Race Action Programme to re-examine policy and make changes that can reduce disparities. (6) Commission further research in live sites specifically to determine the reasons for disparities in the use of PAVA, by protected characteristic.

Commenting, Pia Sinha, Chief Executive of the Prison Reform Trust, said: "The routine and disproportionate use of PAVA spray on Black, Black British and Muslim prisoners is a shocking indictment of our prison system and the government's commitment to meeting its obligations under equality law. Now, ministers are even considering the possibility of extending the roll out to children in custody. It's time to call a halt to this reckless expansion. The safety of staff and prisoners should be based on good relationships, with staff having the knowledge and skills to engage effectively with the people in their care. The routine arming of staff with PAVA is an admission of failure by the government, and risks adding to rather than reducing a deteriorating cycle of violence in our prisons."

Campaign Aims to Stop Use of Rap Music as Evidence in Criminal Trials

Samantha Dulieu, Justice Gap: 'Art Not Evidence' have written an open letter to the Justice Minister calling for law reform to stop the criminalisation of rap and drill music, and creative expression more broadly. This follows the controversial use of rap lyrics and videos in criminal prosecutions, including notoriously, the case of ten Manchester teenagers convicted for conspiracy to murder and GBH after a shared interest in drill music featured prominently in their trial. Research from the University of Manchester reveals 240 people have had rap music used as evidence against them in a criminal trial in the UK in the last three years.

The open letter, supported by human rights organisations, community groups and musicians, says police and prosecutors currently use the act of 'writing, performing, or even engaging with rap music' to suggest 'motive, intention, or propensity for criminal behaviour.' They suggest the use of rap and drill music in particular perpetuates harmful racial stereotypes and risks causing miscarriages of justice. This has particularly been the case in Joint Enterprise convictions where music has been used to 'drag multiple people into criminal charges', often under the guise of so-called 'gang activity'. Reporting from the Justice Gap found rap music was used 'almost exclusively' as evidence against 'Black young men and boys accused of serious offences in urban areas' and usually London. The campaign has already been backed by Nadia Whittome, Baroness Shami Chakrabarti, John McDonnell and Zarah Sultana, and is supported by English PEN, Liberty, JUSTICE. The open letter has also been signed by figures in the creative industries including Annie Mac, and top barristers.

Speaking to the Guardian, barrister Keith Monteith described his reaction when rap lyrics were presented as evidence by the prosecution in a case he was working on: 'As a criminal barrister, I couldn't believe that prosecution in a murder case was relying on music … rap is music, it's lyrics, it's freedom of speech. It's art and not evidence. In a murder case, we should be focusing on forensics, eyewitnesses, on CCTV.' Baroness Chakrabarti told the Guardian the criminalisation of creative expression is 'totally ludicrous and dangerous for public confidence'. Speaking at a Society for Labour Lawyers event at this year's labour party conference, Lucy Powell MP, who supported many of the families of the Manchester 10 said the use of drill music 'builds up a picture of a group of young people being a gang'. 'They do that by building up a narrative around the neighbourhood; around their ethnicity. 'Of course they must be in a gang [because they are] young Black people from an inner city who share an interest in music that has lyrics that purport to be about gang affiliation.'

This campaign follows similar efforts in the US to stop the use of music, lyrics and other creative expression in criminal courts. Protect Black Art, a project supported by high profile artists and record labels, say the practice is 'racially targeted' and 'punishes already marginalised communities'. They cite a recent case in Fulton County, Georgia, where members of a record label, including a Grammy award-winning artist, were accused of being in a criminal gang. In the indictment the prosecution used the artists' lyrics, including 'I get all type of cash, I'm a general' as evidence of a criminal conspiracy. A Bill banning the use of artistic expression in criminal trials has been passed in California, and similar legislation is being considered in New York and New Jersey, alongside the 'Restoring Artistic Protection' Act introduced in the US Congress.

Five Prisons Where 'Slopping Out' Still Happens

A generation after 'slopping out' was meant to have ended, there are still five prisons in England where men are locked overnight in cells without toilets. The Prison Service has disclosed that the prisons are Isle of Wight, where 476 cells lack toilets; Coldingley (360 cells); Long Lartin (307); Grendon (227); and Bristol (99) – a total of 1,469 cells. To allow the occupants to use a lavatory, the prisons operate "controlled unlock" systems where men can request access via call bells in their cells. This allows their doors to be opened remotely for a limited time, so they can visit toilets on their landings and return to their cells.

However, there have been reports of long waits to be unlocked, and of men resorting to using buckets. At Bristol prison, Chief Inspector of Prisons Charlie Taylor spoke to prisoners who said they use buckets and threw the waste out of the window, which splashed into cells below. Taylor found the smell of urine to be "overpowering". Long Lartin issues buckets to men in cells without toilets. The chair of its Independent Monitoring Board, Sue Harrop, said: "The cells on the four wings that lack running water and sanitation accommodate some elderly and infirm prisoners. The use of buckets is problematic when the men are locked up for extended periods due to regime restrictions. There is not even a sink to wash their hands after using their bucket. They are required to 'slop out' into an open sluice with no splash-guard or privacy for men emptying their pots. The board view this practice as inhumane."

'Slopping out', in which prisoners used a bucket overnight and then emptied it into a sluice when their cells were unlocked in the morning, used to be standard practice, but was officially brought to an end in 1996. Most prison cells now have a toilet installed, except in some open prisons and women's prisons where cell doors are left unlocked overnight, allowing use of toilets on landings at any time. Publishing the data in Parliament in response to a question from Labour's shadow prisons minister Ruth Cadbury, Prisons Minister Edward Argar said: "All prisoners in normal accommodation have 24-hour access to sanitation. This is achieved in a number of ways across the prison estate. The most common method of providing access to toilet and washing facilities are in-cell. However, in some prisons, it has proved impossible or impractical to fit in-cell sanitation in some cells."

7 Trapped In Jail Kill Themselves

Amy-Clare Martin, Independent: Seven inmates trapped in prison under indefinite jail terms have taken their own lives since the government refused to resentence them, The Independent can reveal. The prisons watchdog has launched investigations into a string of self-inflicted deaths amid a "worrying rise" in incidents among imprisonment for public protection (IPP) prisoners – with campaigners warning the "hopelessness" associated with the controversial sentences is having tragic consequences. It comes after former justice secretary Dominic Raab refused cross-party recommendations to resentence IPP prisoners, despite the prison term – a form of indeterminate sentence in which offenders are given a minimum jail term but no maximum – being described as "the single greatest stain on our justice system". The sentences were scrapped in 2012, but not retrospectively, leaving almost 3,000 trapped in prison with no clear hope of release – nearly 700 of whom have served more than 10 years longer than the minimum term they were given. New Labour introduced the sentences in 2005 as part of new legislation to prove they were tough on crime. Anyone convicted with an IPP would have initially committed an offence that was deemed a danger to the public and subsequently committed another of 153 listed crimes, including violent and non-violent offences. After completing their minimum term tariff, inmates must then apply for release to the Parole Board and meet stringent criteria – including not suffering from mental health problems – to prove that they are no longer a risk to the public. David Blunkett, who has admitted he regrets introducing the measures as home secretary, told The Independent there needs to be a change in the system that "gives hope" to inmates. "The longer they are in, the longer they are institutionalised, the more their mental health deteriorates. It's a no-brainer that we need to provide people with that hope."

Shocking examples of those languishing in prison under the unjust sentence include: *Wayne Bell*, who was jailed for a minimum of two years for taking a bike in 2007. He is still incarcerated after more than 16 years and his family fears he will never be freed *Thomas White* was jailed for a minimum of two years for stealing a mobile phone in 2012, but after more than 11 years in prison, he has never been released *Aaron Graham*, who punched a man in a fight, was given an IPP sentence with a minimum term of two years and 124 days in 2005 but has served almost 20 years, including time spent on remand Sir Bob Neill, chair of the justice committee which urged the government to resentence all IPP prisoners, described the latest deaths as "tragic and disturbing", adding it was "possible" some of those lives could have been saved if the government had accepted his recommendation.

Donna Mooney, whose brother died by suicide in 2015 while serving an IPP sentence for stealing a car, said that "without a doubt" the government's rejection cost lives as prisoners "gave up completely", leaving grieving families to pick up the pieces. Ms Mooney, a campaigner with the United Group for Reform of IPP (Ungripp), which is supporting two of the seven recently bereaved families, told The Independent: "We are victims of this sentence, having never committed a crime."

Next month, it will be 11 years since IPP sentences were abolished in Britain after they were found to be "fundamentally unjust" by the European Court of Human Rights. Originally designed to protect the public from serious offenders whose crimes did not warrant a life sentence, they were widely overused and often imposed for low-level crimes before they were axed in 2012. The latest figures show that 2,921 IPP prisoners were still incarcerated at the end of September. Of these, 1,269 have never been released, while 1,652 have been recalled to prison after being caught out by strict 10-year licence conditions.

In a justice select committee report last year, MPs said IPP sentences were "irredeemably flawed" and led to high levels of self-harm. Although the government accepted or partially accepted eight of the committee's recommendations, it rejected three, including the key recommendation for inmates trapped under the now-defunct sentence to undergo a resentencing exercise. In his rejection on 9 February, Mr Raab insisted resentencing would create an unacceptable risk if prisoners were released. Sir Bob branded the decision a "missed opportunity to right a wrong". An inmate died at HMP Swaleside just over two weeks later, The Independent has learned, with two further deaths the following month in Coldingley and Bristol. A prisoner died at HMP Stocken in May, while another inmate died at Bristol in July. The PPO is investigating a further two self-inflicted deaths at HMPs Dovegate and Humber last month.

One family member described the situation as the "biggest injustice that the country has seen since Hillsborough". Clara White, whose brother Thomas has served more than 11 years for stealing a phone, revealed he has developed schizophrenia while in jail. A psychiatric assessment found his deteriorating mental health was caused by the hopelessness of his IPP sentence. Wayne Bell's mental health has also crumbled after he was jailed in 2007, aged 17, for stealing a bike. He spent several years in a secure hospital after he was found catatonic "like skin and bones" in his cell, before being returned to prison. "We are just waiting for that call to say Wayne is gone now," his sister Alana said. "It's destroyed him." Cherrie Nichol's brother Aaron Graham has been in jail for almost two decades, including time on remand, after he was put under an IPP for grievous bodily harm for leaving a man with a fractured cheekbone in a fight. Cherrie told The Independent: "It has robbed him of his life – the chance to have a family and a career. It's robbed him of everything he's got."

Ms Mooney, whose brother had served six years in jail when he died despite a minimum four-year tariff, called for justice secretary Alex Chalk to intervene. She said: "There is not a doubt in my mind that [resentencing] would have saved lives. Until something significant changes, I think this will keep happening. And that's horrendous because the government are just leaving people to die." She claimed that sorting the IPP issue could "empty three prisons" amid a prison capacity crisis. "This is an extreme situation and it's only going to continue like this until something is changed. These people need to be given some hope. Resentencing is the safest and fairest route. It is not opening the gates and letting everybody out."

Prisons Ombudsman Adrian Usher warned of a "worrying rise" in self-inflicted IPP deaths in September. In 2022, nine people serving IPP sentences took their own lives – the highest annual figure on record. With seven deaths recorded this year in the eight-month period since February, campaigners fear this year the total could be even higher. Mr Usher said the sentences should be considered a risk factor for prisoners, noting that of 19 self-inflicted IPP deaths since 2019, only five inmates were being monitored by specialist teams for those at risk of suicide and self-harm. Responding to the latest deaths, Mr Usher told The Independent: "We have continued to see self-inflicted deaths of IPP prisoners this year, and I believe more needs to be done to ensure these high levels of self-inflicted deaths do not continue." Mark Day, deputy director of the Prison Reform Trust, said the "hopelessness and despair" associated with the IPP sentence can have "tragic consequences". He added: "Ministers have a responsibility to address the continued injustice faced by people on IPPs and their loved ones. Alex Chalk needs to come forward with workable proposals to help bring the sentence to a definitive end." Andrea Coomber, chief executive of the Howard League for Penal Reform, added: "Each self-inflicted death of a person serving an IPP sentence is a shameful indictment of our justice system, and these figures underline the need for ministers to act decisively to end the suffering of those in prison and their families."

A Ministry of Justice spokesperson said the department is "carefully considering" what can be done to address the plight of IPP inmates. They added: "We abolished IPP sentences in 2012 and have already reduced the number of unreleased IPP prisoners by three-quarters. We are also helping those still in custody to progress towards release, including improving access to rehabilitation programmes and mental health support. "While public protection will always be our priority, we are carefully considering what additional measures might be put in place." Lord Blunkett implored Mr Chalk at a recent Lords select committee to "put right something I got wrong". During the meeting, Mr Chalk said he was considering curtailing the 10-year licence period to five years, but spoke of his reluctance to release inmates who might go on to commit "appalling crimes". Lord Blunkett told The Independent he had been helping families whose loved ones have been on suicide watch under this sentence but admitted he is "pessimistic" over whether the government will give so much as a "nod" to Sir Bob's amendment to the Victims and Prisoners Bill.

Rwanda: Evil Then and Evil Now

Nicholas Reed Langen, Justice Gap: In 1965, watching the trial of Adolf Eichmann in Jerusalem, Hannah Arendt observed the banality of evil. Eichmann seemed not a tyrant, but a bureaucrat. The figure who pled ignorance to the abhorrent nature of his actions was timid and withdrawn before a courtroom of people he helped decimate and hoped to eradicate. In her imagination, someone who ordered the torture, persecution and death of hundreds of thousands of Jews and other 'undesirables' should be terrifying and repugnant, a villain whose immorality is almost palpable. The inhumanity of their person should help explain the inhumanity of their acts. Eichmann, to Arendt's surprise, seemed almost ordinary.

Even so, Eichmann, a key architect of the Final Solution, was not an ordinary man. His bureaucratic skin concealed an abhorrent inner world. But most evil is not like Eichmann's. Most of it is as ordinary as it first appears. Atrocities, those crimes against humanity that force bile to rise in your throat, are rare. Even among people who participate in monstrous events like the Holocaust, not all are fully evil. It is among this group where the banality of evil is found. These people act not out of a deep-seated desire to inflict harm, but with indifference as to whether their victims suffer or not. Instead, they act because they are ordered to, or because it is what 'the law' commands. This does not exculpate them, or mean their acts are not evil, but does mean that their culpability and moral guilt is diminished.

Much as there are degrees of culpability, there are degrees of evil. In the case of Eichmann, his crimes against humanity were at evil's nadir. There are few tragedies in human history equal to the Holocaust. Such tragedies, however, are not where evil begins, but where it ends. Not every government policy must be at the level of the Final Solution to be evil. The United States continues execute men in barbaric ways, while Canada has recently extended the right to assisted suicide to those struggling with depression, who decide they can no longer cope with life. And in the UK, the government is determined to send those who seek refuge here to Rwanda, an authoritarian country recovering from civil war. This, the Supreme Court ruled, is immoral and unlawful.

Anyone who reads and engages with the Supreme Court's judgment striking this down should be outraged by the policy, not by the Supreme Court's intervention. Lord Reed – a justice not known for his willingness to hold the government's feet to the fire – noted that Rwanda has starved refugees and used live ammunition on them, has sent them clandestinely to countries like Uganda where they could be refouled, and has refused refuge to asylum seekers from war zones like Syria and Afghanistan. There is nothing that requires, let alone that justifies, treating refugees in this way. Rwanda may be war-torn and impoverished, but it still has agency. It chooses to use this agency to inflict harm and suffering. But if Rwanda's government is culpable, Britain's is too. Knowing that Kagame's government was authoritarian and repressive, with the British Foreign Office condemning its abuses of power in 2021, Suella Braverman, then Home Secretary, chose to sign a 'memorandum of understanding' with the regime. In exchange for £140m upfront, and a £100,000 fee for every asylum seeker taken, Kagame was willing to take Britain's 'undesirables' off the government's hands.

Key to this deal was Rwanda's track record. The fact that it tortured, persecuted, and refouled asylum seekers was not a bug in the policy, but the point of the policy. Braverman hoped that asylum seekers looking at Britain from camps in Calais, or thinking of Britain as they washed up on a Mediterranean shore would remember Rwanda, and the odds of ending up back where they started – or somewhere worse. Choosing whether to stick with where they were or twist and aim for Britain, the hope was that they would stick. If the Home Office had somehow contrived a deal with a developed country or a country with a strong human rights record – say, Canada – the policy would

have been neutralised. Asylum seekers would have considered it a win-win. Throughout the Supreme Court's judgment, the justices make their contempt for the policy clear. Chastising the High Court for disregarding the evidence of the UNHCR, the UN's refugee agency, Lord Reed and Lord Burnett-Jones ruled that Rwanda is an unsafe country, ill-equipped to house asylum seekers, let alone to decide their fate. Part of this may have been because the memorandum failed to offer any substantive mechanisms protecting refugees' rights – trusting that money would be enough to keep Rwanda in line – but also because Rwanda could not be trusted. The Foreign Office official who gave evidence may have wanted to believe that Rwanda was a trustworthy ally who would fulfil their promises, but the Court preferred the hard evidence it read over an official's optimistic supposition. Everything before the Court suggested that Rwanda would, intentionally or not, subject asylum seekers to cruel treatment, ignoring and violating fundamental rights.

In response to this judgment, the government has doubled down on the policy, sinking deeper into iniquity. An objective tribunal – one that has not been willing to give it the benefit of the doubt on other morally flawed policies – has reviewed the policy and found it illegal and unethical. But even this is not enough for the government to accept it's the end of the road. Some ministers and MPs, including Lee Anderson, the Conservative Party's deputy chairman, want to ignore the judgment, with Anderson calling for planes to take off the evening the judgment came down. Aside from the immorality, this would be the act of an authoritarian government, not a democratic one. Any legitimate government would reject these calls. But Sunak's is validating them. It claims to be preparing 'emergency' legislation to clarify that Rwanda is safe. Over the course of the last thirteen years of Tory rule, we have seen questionable acts of parliament and dubious executive decisions. But up until now, Parliament has never legislated for people to reject the evidence of their eyes and ears.

Sunak and Braverman cower behind 'the people' in pursuing this policy. Unwilling or unable to acknowledge that it is their cruel nature that is pushing it forward, they claim that it is what the people want. Sunak's government is currently polling at 22%. Anyone who lines up in defence of this policy, and defends parliament's right to pass legislating contradicting the Supreme Court's findings of fact, is on some level, evil. It was a disgusting policy from the beginning, and whatever doubt people may have had about it at the outset should have been washed away by the Supreme Court's ruling. Suggesting that the solution to the rising refugee crisis is to leave every human rights instrument, whether the European Convention on Human Rights or the Refugee Convention, is inhumane. So is this government.

Complaints Against Police - Exceed Police Officer Numbers in Some UK Forces

*Andrew Kersley, PoliticsHome:*A number of police forces have recorded as many or more complaints than they have officers, as the number of complaints within forces are set to reach a record high this year. PoliticsHome analysed figures for every UK police force from the latest release of data by the Independent Office of Police Conduct (IOPC) and found on average 547 complaint allegations were logged per 1,000 police staff. At some forces, the figure was far higher. Nationwide, 14 police forces logged more than 700 allegations per 1,000 officers.

Cleveland Police in the northeast of England logged 1,232 allegations per 1,000 staff. Cleveland Police was previously described by officials as the country's worst performing force and was placed in special measures four years ago by regulators. Superintendent John Miller of Cleveland Police's Directorate of Standards & Ethics told PoliticsHome the force "welcomes feedback from the public" and said it was pleased "people have the confidence in the police complaints process to come forward".

Miller added that the volume of complaints was indicative of the "high numbers" of crime

calls and reports. "Whilst the number of complaints received may appear disproportionate per thousand employees, it is proportionate with the volume of incidents to which the force responds," he said. A Cleveland Police spokesperson added that the force's IOPC-backed internal complaint processes mean they record complaints differently and more frequently than other forces. Durham Constabulary recorded 986 allegations per 1,000 officers. A spokesperson for Durham Constabulary stressed that they "meet regularly with the IOPC" and that all complaints they receive are "reviewed, recorded and dealt with in an appropriate manner".

The overall 134,952 allegations relating to 81,142 complaints registered in the 2022-2023 period represent a record high number of complaints, and the data for the first three months of 2023-2024 suggests those figures are set to rise. PoliticsHome found that 36,483 allegations had been logged nationwide between April and June, an almost 5,000 case rise (16 per cent) compared to the same period last year (31,538). "These figures highlight what we already know: police misconduct is not confined to the Met or other large forces, it is a problem infecting forces across England and Wales," said Rebecca Dooley, legal advocacy officer for policing accountability group Stop Watch. It is also not surprising that the numbers of police complaints continue to rise – the public are tired of continuously hearing stories of officers abusing their powers and not being held accountable. Yet it is unlikely that more complaints will lead to more accountability as the complaints process remains woefully incapable of adequately punishing officers for wrongdoing."

An IOPC spokesperson said that there has been a trend for complaint figures to rise every year since 2020, when the definition of a complaint was shifted to mean that "any expression of dissatisfaction" was recorded as a complaint. "Increases can indicate that more people have confidence to engage in the complaints system. As the new system continues to be embedded across police forces, the data should still be treated as experimental to acknowledge it remains in the testing phase and comparisons with previous years should be treated with caution," they added. "Figures for complaints and allegations recorded by individual forces will vary. We publish guidance to police forces on complaint recording and handling to promote consistency. We have constructive relationships with police force professional standards departments (PSDs) who we hold to account for their performance in complaint handling."

A Home Office spokesperson stressed the change in definition of a complaint in 2020 and that "by law, each complaint must be handled in a reasonable and proportionate manner". They added those unhappy with how a complaint has been handled can apply for an independent review and that the "vast majority of complaints about the police are about the delivery of duties and service and do not concern misconduct".

Sending Prisoners Abroad to Cost at Least £200m - Won't Happen Until 2026

Holly Bancroft, Independent: Justice secretary Alex Chalk pledged at the Tory conference in October to send criminals overseas in a desperate bid to ease overcrowding in England's prisons. But new impact assessments published as part of the Criminal Justice Bill reveal that Ministry of Justice (MoJ) officials think the plan will likely cost £202.9million over 10 years. That could amount to £35,000 per prison place per year, but officials admitted prices were "highly uncertain". The MoJ expects to be able to send at least 500 prisoners to foreign jails, and up to 1,000, but the most likely scenario is 600 places, officials predict.

When the plans were unveiled, the government cited similar measures introduced in European countries including Norway and Belgium which saw hundreds of prisoners sent to the Netherlands.

But no further details on where prisoners could be sent have been revealed. The estimated cost

of the plans range from £169.1million to £338.1million, but the most likely figure is around £200million, the report says. This excludes the cost of healthcare for relocated prisoners so the totals would likely be higher. However, the assessment acknowledges that "the full costs of this policy are unknown" as the plan depends on which countries agree to take inmates. The plan will only deliver a "marginal operating cost saving", according to the current estimates. Officials said the estimated annual cost of £35,000 per prison place abroad should not be directly compared to the cost per place in the UK, which is £46,696. Instead they say £1,800 per place is saved each year by sending prisoners abroad. This leads to savings of £700,000-£1.4m over the 10 years.

Officials also assume that the policy wouldn't start until April 2026 and expects each prisoner to serve two years in a foreign jail before being returned to the UK. According to the assessment, prisoners who are sent abroad would have the same frequency of family visits as those kept in the UK – in accordance with Article 8 of the European Convention on Human Rights, which states that everyone has a right to a private and family life. "It has not been determined who would bear the cost of these visits", MoJ officials wrote. They acknowledged that criminal defence lawyers would also be affected by the policy as "they will be required to either speak over the phone or travel to the foreign jurisdiction".

In the assessment summary, MoJ officials said that "without intervention, the government is at risk of not being able to provide prison places to all those sentenced and overcrowding within prisons may continue". The chair of the Prison Governor's Association, Andrea Albutt, has previously warned that there are only a "few hundred" spaces left in adult male prisons in England and Wales, saying: "We are now bust on prison places".

Police County Lines Strategy 'Cruelly Targets' Black Youth in the UK

Mark Townsend. Guardian: The Home Office's approach to tackling county lines drug operations is based on unproven assumptions and "racialised tropes" that criminalise Black boys and young men, according to new research. The study also found that the policing strategy towards county lines stigmatised Black youngsters in a similar way to how the Metropolitan police's discredited gang violence matrix database was found to be discriminatory.

The findings, published by thinktank the Institute of Race Relations (IRR), says the government's claim that county lines is the "most violent and exploitative" drugs distribution model, requiring a multi-agency approach, is unproven. "There is a dearth of evidence to support the contention of an increase in the use and supply of [Class A] drugs as a result of 'county lines'," said the IRR study. Niamh Eastwood, executive director of drugs charity Release, said the study highlighted growing concerns about the strategy: "The county lines narrative has been used by government and police as a contrived new threat that falsely and cruelly legitimises the targeting of racialised communities, especially of young Black children and men."

The IRR tried to identify the ethnicity of people considered "at risk" of involvement in county lines by the Met, but said its freedom of information request had not been answered. However, available data indicates that, by 2020, of 3,290 people "having a link or suspected link" to county lines in London, 83% belonged to an ethnic minority. The research, published this week in the journal Race & Class, adds that young Black people are up to six times more likely than any other ethnicity to be included in county lines safeguarding classifications. A national child safeguarding review panel also identified a concerning "over-representation" of Black boys in those considered at risk from county lines.

The IRR's director, Liz Fekete, said the research should serve as a "wake-up call" to councils and safeguarding officials about the perils of being drawn into racial profiling. She urged them to urgently

review procedures and databases. "We need to ensure that they are not complicit in a new form of criminalisation of Black and minority ethnic children, particularly those excluded from school, and/or in care," she said. Lauren Wroe, one of the study's authors, said: "While we don't see enough action from government on child poverty – itself partly the result of austerity politics – we have witnessed rampant campaigns against so-called grooming gangs, child traffickers and now county lines gangs." Wroe, assistant professor in the sociology department at Durham University, added: "The government throws these issues into the spotlight in an attempt to ramp up support for policies that are tough on crime and tough on immigration, while it fails to address the entrenched inequalities it has created over the last decade."

The Home Office began outlining attempts to tackle county lines in 2017, and a detailed programme unveiled four years ago has led to more than 14,800 arrests and another 7,200 individuals being referred by police to safeguarding initiatives. Government officials use county lines as a term to describe "gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK". However, the IRR report says the drugs model entered the policy agenda as a culmination of local "problem profiling" carried out under the now defunct Ending Gangs and Youth Violence (EGYV) programme and other former anti-gangs policies. They warn its county lines strategy risks repeating some of the failings of the Met's matrix database, which is being overhauled after the force admitted its operation was unlawful.

The report, by three leading experts in criminal justice and social policy, says that questions need to be asked over the adoption of the relatively "new crime label" of county lines, the multi-agency policing of the issue and subsequent prosecution of young men under the Modern Slavery Act. "At the extreme end, this can culminate in a new racialised trope of young black men as 'the new slave masters of today'," states their report. It also found that safeguarding procedures are not protecting young people in a way they were meant to. "Safeguarding professionals often deploy arbitrary distinctions between victim and offender, gang member and associate," the report says. Angélique Vassell, founder of WalkwithMeUK, a London-based group working with families of colour whose children have been exploited, said: "The overarching heartache for many families that we support is that they want to be protected as opposed to being neglected and criminalised." Eastwood said: "This groundbreaking and excellent research adds to the evidence that the drug war is a racist endeavour that harms communities and fails to protect society as a whole."

The National Police Chiefs' Council lead for county lines, Commander Paul Brogden, told the Observer: "County lines drug dealing destroys lives and we are committed to tackling the supply of illegal drugs, and the exploitation and violence that is frequently associated with it. "County Lines remains a top priority for policing, and drug gangs across the UK were targeted recently in our latest national police operation, the county lines intensification week. The figures from this intensification week demonstrate our work to protect communities from harm, with 710 individuals safeguarded, including 58 children. We work closely with key partners, such as Catch22 and Rescue and Response, to help protect young people from county lines across our taskforce model. "In the last 18 months, one such taskforce team, working at the Metropolitan police, has rescued 52 children from county lines, 63% of whom were Black children." Brogden added: "They also work hard to stop the exploitation of those children, and since the taskforce's inception in 2019, 95 individuals have been charged with modern slavery offences."

The Home Office said: "County lines is a major cross-cutting issue involving drugs, violence, gangs, child criminal exploitation, modern slavery and missing persons, which is why a multi-agency response is needed. The government is delivering a series of actions as part of the Inclusive Britain strategy to improve accountability and transparency across policing, and build trust between police and the communities they serve."

Five Prisons Where 'Slopping Out' Still Happens

A generation after 'slopping out' was meant to have ended, there are still five prisons in England where men are locked overnight in cells without toilets. The Prison Service has disclosed that the prisons are Isle of Wight, where 476 cells lack toilets; Coldingley (360 cells); Long Lartin (307); Grendon (227); and Bristol (99) – a total of 1,469 cells. To allow the occupants to use a lavatory, the prisons operate "controlled unlock" systems where men can request access via call bells in their cells. This allows their doors to be opened remotely for a limited time, so they can visit toilets on their landings and return to their cells.

However, there have been reports of long waits to be unlocked, and of men resorting to using buckets. At Bristol prison, Chief Inspector of Prisons Charlie Taylor spoke to prisoners who said they use buckets and threw the waste out of the window, which splashed into cells below. Taylor found the smell of urine to be "overpowering". Long Lartin issues buckets to men in cells without toilets. The chair of its Independent Monitoring Board, Sue Harrop, said: "The cells on the four wings that lack running water and sanitation accommodate some elderly and infirm prisoners. The use of buckets is problematic when the men are locked up for extended periods due to regime restrictions. There is not even a sink to wash their hands after using their bucket. They are required to 'slop out' into an open sluice with no splash-guard or privacy for men emptying their pots. The board view this practice as inhumane."

'Slopping out', in which prisoners used a bucket overnight and then emptied it into a sluice when their cells were unlocked in the morning, used to be standard practice, but was officially brought to an end in 1996. Most prison cells now have a toilet installed, except in some open prisons and women's prisons where cell doors are left unlocked overnight, allowing use of toilets on landings at any time. Publishing the data in Parliament in response to a question from Labour's shadow prisons minister Ruth Cadbury, Prisons Minister Edward Argar said: "All prisoners in normal accommodation have 24-hour access to sanitation. This is achieved in a number of ways across the prison estate. The most common method of providing access to toilet and washing facilities are in-cell. However, in some prisons, it has proved impossible or impractical to fit in-cell sanitation in some cells."

Mexico: Women's Rise in Organised Crime

The number of women active in Mexico's criminal organisations has risen steadily in recent years. Women often view joining criminal groups as a way of protecting themselves from gender-based violence and acquiring the power and respect they lack in law-abiding society. This is bolstering illegal groups' hold on communities and increasing their ability to do harm.

Stark Increase in Self-Harm Among Young Female Prisoners

Shing On Li, Justice Gap: Women's prisons in the UK have seen a 63% rise in instances of self-harm. According to new research by the Alliance for Youth Justice, in 2022 there were over 4,500 incidents of self-harm among female prisoners aged 21-24 in 2022. This is a stark rise from the 1,800 incidents recorded in 2018. The research showed 80% of young women in custody report having mental health problems. Of these women, less than one third said that they felt cared for by prison staff. The study also examined the multiple disadvantages of young women in prison. Younger women are more likely to be from black, Asian, Gypsy and Roma Traveller groups, or migrant backgrounds. These young women feel 'unsafe, alienated, and retraumatised' by a prison service designed around the needs of men and boys, or older adult women. 52% of young women in custody have been in local authority care as children, with the report stating that by the time a young woman encounters the criminal justice system, she has often already been 'failed by numerous public services'.

One young Muslim female prisoner, who had been suffering domestic violence throughout her childhood, when she arrived at the prison, said: 'There was no help on offer, nothing. I started contemplating self-harm. I was left to deal with my traumatic past of abuse on my own'. This lack of support is underpinned by the fact that 60% of women received sentences which last less than six months, rendering them more unlikely to receive meaningful and sustained support from the system. All women are also more likely to receive custodial sentences for non-violent offences. The Young Women's Justice Project says their crime usually stem from 'complex trauma and economic disadvantage'.

Based on the findings of the report, Pippa Goodfellow, Chief Executive of the AYJ, concluded: 'Having been failed by numerous public services, young women report being trapped in a damaging cycle of abuse, inequality, and offending. This report is a call to action to ensure that the needs of young women are no longer sidelined by the services and systems with responsibility for their support'.

Indy Cross, Chief Executive of Agenda Alliance, said: 'Burying our heads in the sand and pretending this isn't a problem won't wash. The shocking levels of self-harm among some of the most vulnerable women must serve as a wake-up call; they're unacceptable. We don't need more reports. Government and experts all know the impact of traumatic histories – and we can see that too many young women keep falling through gaps.'

Bulgaria: Confiscation of Sex Workers Earnings - Violation of Article 4

In ECtHR Chamber judgment in the case of Krachunova v. Bulgaria (application no. 18269/18) the European Court of Human Rights held, unanimously, that there had been: *'a violation of Article 4 (prohibition of slavery and forced labour) of the European Convention on Human Rights'.* The case concerned Ms Krachunova's attempts to obtain compensation for the earnings from sex work that X, her trafficker, had taken from her. The Bulgarian courts had refused compensation, stating she had been engaged in prostitution and returning the earnings from that would be contrary to "good morals". The Court held that States had an obligation to enable victims of trafficking to claim compensation for lost earnings from traffickers, and that the Bulgarian authorities had failed to balance Ms Krachunova's right under Article 4 to make such a claim with the interests of the community, who were unlikely to find the payment of compensation in such a situation immoral. This was the first time that the European Court had found that a trafficking victim had a right to seek compensation in respect of pecuniary damage from her trafficker under Article 4.

Refusal to Recognise - Pussy Riot Punk Band - as a HRO Violation of Article 11

In ECtHR Chamber judgment in the case of Mariya Alekhina and Pussy Riot Punk Band v. Russia (no. 2) (application no. 10299/15) the European Court of Human Rights held, unanimously, that there had been: *'a violation of Article 11 (freedom of association) of the European Convention on Human Rights'.* The case concerned the Russian authorities' refusal to register the applicants' human-rights organisation, "The Zone of Law", which aimed to provide legal assistance to prisoners. The Court found overall that there had been a lack of detailed guidelines on the formal conditions for registering non-profit associations and on the requirements for filling out application forms. The Court was therefore of the opinion that the alleged deficiencies in the documents provided by the applicants had not been sufficient to deny them registration of their organisation.

Indeed, making the applicants repeat the registration procedure, instead of letting them correct their first application (as moreover was allowed by law), had prevented them from starting any activity at all.