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Over 1,800 Offenders to Have Indefinite Jail Sentences Terminated

Haroon Siddique, Guardian: More than 1,800 offenders in England and Wales who have been released on licence but remain under indefinite threat of recall to jail are to have their sentences terminated. Imprisonment for public protection (IPP) sentences, which were imposed on 8,711 people, were abolished in 2012 but not retrospectively, leaving people languishing in prison, often for minor offences, and have been described as "the greatest single stain on the justice system". Even when released, IPP offenders are on indefinite licence, meaning they can be recalled at any time, often for behaviour that is not criminal, leading to what has been labelled a "recall merry-go-round".

However, changes announced by the Ministry of Justice (MoJ) on Tuesday 28th November, mean that for the first time some IPP offenders will be given an end date for their sentence. Currently their only option to have their sentence terminated is to apply to the Parole Board 10 years after release. The changes, added to the victims and prisoners bill, will reduce that period to three years after release, and even if the Parole Board says no their sentence will automatically terminate after a further two years if they are not recalled to jail in that time.

As the changes will apply retrospectively, the MoJ said sentences would immediately end for about 1,800 offenders on licence in the community once the legislation comes into force. It said a further 800 IPP offenders would become newly eligible for Parole Board consideration by March 2025 and the new legislation would also introduce a presumption that the board should terminate the licence unless it was still required to protect the public.

The justice secretary, Alex Chalk, said: "We are taking decisive action to curtail IPP licence periods to give rehabilitated people the opportunity to move on with their lives, while continuing to make sure the public are protected from the most serious offenders. This is a major step towards wiping away the stain of IPP sentences from our justice system, without compromising public protection."

Despite widespread criticism of IPP sentences – David Blunkett, who introduced them as Labour home secretary, has previously admitted "I got it wrong" – there has been growing frustration among campaigners, prisoners and their relatives about the lack of progress in addressing their legacy. Last year, in a report that described IPP sentences as "irredeemably flawed" and said they fuelled feelings of hopelessness and despair as well as high levels of self-harm and some suicides among prisoners, the justice select committee called for all IPP prisoners to be resentenced – but this was rejected by the government. While the changes announced by Chalk, the most significant since IPP sentences were abolished, were broadly welcomed, there was frustration that they would not affect those now stuck behind bars for offences as minor as stealing a mobile phone.

Shirley Debono, the founder of the campaign group IPP Committee in Action, said: "While we acknowledge the proposed changes and recognise that many individuals will welcome the news of the new proposed license reforms, it is essential to highlight that the government appears to be dancing around the IPP problem and avoiding the core solution, which involves resentencing all IPP prisoners – a recommendation proposed by both the justice committee and the UN special rapporteur on torture and other cruel, inhuman or degrading treatment. It is crucial for the government and the public to keep in mind that, despite these licence reforms, numerous IPP's remain unreleased."

Ungripp, a pressure group representing the families of those jailed under IPP rules, said: "Allowing people serving IPP the prospect of a definite end date to their sentence would be a restoration of hope, certainty, clarity and sense. However, we are gravely disappointed that no reforms are proposed for people trapped in prison on IPP – some as many as 18 years over tariff. Nobody should do 18 years longer than a judge deemed fair, in a system that time and again has proven itself unable to meet their needs. Today is only one step along the road to truly restoring justice, and we hope the justice secretary will consider going a step further to finally put an end to this injustice." As of 30 September there were 2,921 IPP prisoners, 1,269 of whom have never been released, with the remaining 1,652 having been recalled to custody. The justice select committee said in its report there were 608 who were at least 10 years over their original minimum tariff, of whom 188 were originally given a minimum sentence of less than two years.

Prison Reform Trust (PRT) Comment: IPP reforms Do Nont Go Far Enough

Reacting to the announcement that the government will introduce amendments to the Victims and Prisoners Bill to reform the IPP licence, Pia Sinha, chief executive of the Prison Reform Trust, said "This significant change to the IPP licence would create an important off ramp for thousands of people serving an IPP sentence in the community. When enacted, it should enable 1,800 people who are already five years post release to immediately have their licence terminated. For those who are released, it should also restore some sense of fairness by creating a realistic prospect that the sentence can be brought to a definitive end. However, in order bring to an end the recall merry-go-round which our own research identified, this welcome change will need to be backed by improved support in the community to enable people on IPPs to make a success of their resettlement. The large majority of IPP recalls occur within the first two years of release. Better mental health support and improvements in how people on IPPs are supervised and managed in the community will be crucial. Furthermore, this change will do little for the 1,200 people in prison who have never been released, and the further 1,600 individuals recalled back to custody. It is disappointing that the government has not chosen to adopt sensible proposals from the cross-party justice committee for the resentencing of people on IPPs. It is an omission we will seek to persuade parliamentarians to address in the remaining stages of the Victims and Prisoners bill."

This bill is one of three pieces of legislation announced in the King's Speech focused on criminal justice. Over the last three decades there has been no shortage of legislative and policy change to ensure that more people spend longer in prison. Several of the measures contained within this bill continue that trend. One of the consequences of this ill thought through approach to penal policy is a capacity crisis which has brought the prison system dangerously close to breaking point. The prison population is predicted to rise by as high as 106,000 by March 2027. The prison system has been under emergency measures since November 2022. Further emergency measures to increase prison capacity and reduce demand on the system were announced by the Lord Chancellor and Secretary of State for Justice on 16 October.1

Successive governments have been extremely effective in delivering on their promises to "toughen" sentences, whilst failing to give any serious consideration to the effectiveness of such measures or their impact on demand for prison capacity. The Justice Committee has found that this approach has contributed to a "dysfunctional and reactive cycle" of public debate on sentencing policy. This bill does include some sensible measures which address the reality of the current crisis facing the prison system. 3 A presumption to suspend short sentences of 12 months or less will lead to better criminal justice outcomes and also has the

potential to reduce demand on the system, particularly in overcrowded reception prisons. An expansion in the eligibility criteria for Home Detention Curfew will further reduce demand and mean more people in prison gain the rehabilitative benefits of release under electronic curfew. However, expanding the use of controversial whole life orders could lead to problems for prison management, creating a growing population of prisoners with no prospect of release and therefore no incentive to comply with the regime. Furthermore, expanding the use of special custodial sentence for offenders of particular concern (SOPC) to a range of serious sexual offences will have an inflationary impact on prison sentences and the size of the prison population at a time when there is simply no space available.

Custodial Sanctions Increase Crime – College of Policing

Sarah Goy, Justice Gap: A new review by the College of Policing has found that custodial sanctions contribute to increased crime rates. The review found that custodial sanctions increase reoffending, in comparison to non-custodial sanctions. 54% of offenders who received a custodial sanction went on to reoffend. This increase in reoffending applied regardless of the offender's characteristics, country, length of sentence or type of custody.

The review challenges the assumption that offenders always perceive incarceration as a more serious sentence than non-custodial sanctions. Instead, they observed that custodial sanctions can have a poor deterrent effect on offenders: individuals in custodial environments are exposed to risk factors such as violence and victimisation, and meet other offenders while at the same time losing access to protective factors such as family. Together, these challenges build up psychological strain and increase an individual's risk of reoffending.

These findings on custodial sanctions are particularly concerning for both the UK and the US, which are grappling with high incarceration rates. Presently, the incarceration rate in England and Wales is 159 people in every 100,000. Despite the review's results that imprisonment can increase the risk of reoffending, the UK has an ambitious £4bn plan to build 20,000 more prison spaces by 2030 and is looking into renting foreign prisons in Europe. This trend also finds parallels with the US, which is building billion-dollar "mega prisons". The review focused on three types of custodial sanctions – prison, young offender institutions and other secure residential facilities. It also compared them to non-custodial sanctions, such as probation and community service. 80% of the review's participants were offenders from the USA, while 5% were from the UK.

Courts Urged to Consider Fewer Short Jail Terms

Dominic Casciani, BBC News: Courts could soon be handing out more rehabilitative community sentences, rather than sending people to jail for short terms, under radical new plans. The Sentencing Council for England and Wales says judges and magistrates should think more about sentences that are proven to reform offenders. The plans tell courts to think twice about jailing women because of the impact on children. The plans, years in development, come amid a prison overcrowding crisis. The council is the official body that advises all criminal judges and magistrates on how they should sentence criminals fairly and consistently, following rules set out by Parliament. The new consultation covers the principle of choosing community sentences, such as unpaid work or drug treatment programmes, or prison. For almost 30 years the trend in sentencing has meant that more criminals have been sent to jail and for longer periods. However, academic studies show that community sentences do more good in rehabilitating low-level offenders than prison. In the major consultation, the council argues

that if judges and magistrates conclude that an offender potentially deserves to be jailed, they must first pause and consider if a community order would actually be more effective at achieving rehabilitation, one of the key purposes of sentencing. "Increasing academic research has covered the importance of rehabilitation in reducing reoffending," says the council. The Council believes it is important to reflect the findings."

Pregnant Women Concerns: The document suggests that judges need to take extra care in assessing the lives of offenders from specific backgrounds including young adults, women, people with dependants, people who are transgender, ethnic minorities or people with addictions, learning disabilities or mental disorders. Crucially, before judges jail a woman, the council says they must consider the harm that could be caused to a pregnant woman's unborn child. "A custodial sentence may become disproportionate to achieving the purposes of sentencing where there would be an impact on dependants, including on unborn children where the offender is pregnant. Courts should avoid the possibility of an offender giving birth in prison unless the imposition of a custodial sentence is unavoidable." That highly significant guidance comes after the death in 2019 of a baby whose mother went into labour unaided in a cell. The latest figures show there had been 196 pregnant women in jail in the year to April 2023, 44 of whom gave birth in custody.

The proposals also tell judges for the first time to consider whether older women who commit crimes may be experiencing changes in their mental health caused by the menopause. A detailed technical assessment of the impact the proposals could have on prisons suggests that if the package goes ahead, the number of offenders serving short sentences, typically meaning a year or less, would fall. Regarding young adult and female offenders, the additional considerations highlighted for these groups are hoped to lead to even greater impacts for these groups," it says,

Sentencing Council chairman, Lord Justice Davis, said the existing guidelines were among the most important in use. "The revised guideline updates and extends the current guidance," he said. It reflects new information and research in relation to young adult and female offenders and findings from research on the effectiveness of sentencing." Tom Franklin, head of the Magistrates Association, said it welcomed the "robust emphasis on alternatives to custody". Magistrates want effective community sentences and more information about their impact on the people who are given them," he said. The consultation runs until 21 February next year on the Sentencing Council's website.

'Wilford Didn't Act On His Own' - Derry's Bloody Sunday March committee

Wilford and the rest of the murder gang had been sent into the Bogside by very senior British Army officers who understood exactly what the paras were about to do. Derek Wilford has been "rightly blamed for the key role he played in the Bloody Sunday murders" according to the Bloody Sunday March Committee (BSMC). In a statement on the death of what they described as "the murderer and liar Derek Wilford", BSMC said: "Those that have tried, since the announcement of his death, to excuse or make light of the massacre should be ashamed of themselves, although they probably aren't. Nobody who cares about justice will feel even a twinge of regret at his passing. He had more than half a century after the bloodletting to enjoy life. But the agony of the families of his victims endures to this day.

It is relevant to point out that Wilford didn't act on his own. He and the rest of the murder gang had been sent into the Bogside by very senior British Army officers who will have understood exactly what the paras were about to do. The guilty men included, among others, General Frank Kitson, General Michael Jackson, Major Ted Loden, etc," it said. The organisation added: "It was Kitson who organised the deployment of the paras - who had been

based in Belfast – to Derry to 'police' the march organised by the NI Civil Rights Association. Jackson was the most senior officer present in the Bogside during the shooting. Loden was in command of Support Company, the unit which fired all of the shots which killed or wounded. It was Jackson who, just hours after the murders, wrote out in his own hand-writing the British Army's cover-story about Bogsiders opening fire on the soldiers. Jackson was the top perjurer at the Saville Inquiry. He then ascended the ranks all the way to the very top - Chief of the General Staff. It was Ford who has been shown on television at a barricade on William Street shouting "Go on the Paras!" as the killers poured through, running towards Rossville Street to launch the murder spree," it said. We could go listing senior British Army officers directly involved in the killings. Wilford wasn't a rogue officer acting on his own.

A great deal of the truth emerged at the Saville Inquiry. But not all of it. What's left out are the roles of the high-ranking military and political figures who organised the killing and then produced the stream of lies intended to cover it up. Half the truth isn't enough. We are entitled to the whole truth and nothing but the truth. There's still some way to go before we have the full truth of how Bloody Sunday came about and who made it happen."

Landmark UN Report Calls for Sex Work Decriminalization

Erin Kilbride, Human Rights Watch: The struggle for sex worker rights has been a marathon, not a sprint, but the chorus of voices calling for an end to stigma, abuse, and criminalization is growing. The United Nations Working Group on discrimination against women and girls released a landmark report in October calling for the full decriminalization of voluntary adult sex work globally. The report examines the "polarizing" debates around sex work, which often usurp calls for evidence-based policies to protect the rights of affected women and girls. Human Rights Watch research, as well as credible investigations and analysis from academics, health journals, anti-trafficking organizations, and sex workers themselves, consistently find that criminalization makes sex workers more vulnerable to violence, including rape, assault, and murder.

A 2021 investigation found that criminalization endangers and undermines the work of sex worker rights defenders, who are often best placed to do "life-saving" anti-trafficking work, including negotiating access to brothels, identifying sexually exploited children, training survivors on accessing justice, offering harm reduction, and increasing pathways to healthcare for survivors deprived of freedom of movement. The latest report is the Working Group's seventh time addressing sex work. It previously advocated for the decriminalization of adult sex work in its reports on gendered discrimination in health (2016), women deprived of liberty (2019), women's rights in the world of work (2020), and poverty (2023), as well as in two country-specific interventions on behalf of criminalized sex workers in Nigeria and South Africa.

Several other UN agencies oppose criminalization, including the Joint United Nations Programme on HIV/AIDS, the World Health Organization, the UN Population Fund, and the UN Development Program. Civil society organizations including Human Rights Watch, Amnesty International, and the International Planned Parenthood Federation have also published evidence-based policies supporting the decriminalization of adult sex work. Local sex worker rights defenders face an immensely complicated and often brutal landscape of defamation, smear campaigns, legal challenges, and even physical violence and killings in retaliation for their struggle for rights in their communities. The unequivocal support of one the UN's leading women's rights bodies is deeply meaningful and shows they listened to sex workers. The evidence is clear and the network of institutions willing to take a rights-based stance is growing. Decriminalization is the path forward for those interested in rights and justice for all women.

Law Commission Probes Defences in Domestic Homicide Cases

Akshat Purohit, Justice Gap: The Government has tasked the Law Commission to conduct a thorough review of the application of defences in cases of domestic homicide. The move is largely a response to a March 2023 domestic homicide sentencing review, which found that the vulnerability of people trapped in abusive relationships has not been considered in policy where murders have been committed in a domestic context. Welcomed by the Domestic Abuse Commissioner, this review represents a significant shift in the challenges faced by victims of domestic abuse within the criminal justice system. The Commissioner underscored the importance of this reform, especially in understanding the complexities of coercive control and its implications.

Back in 2004, the Law Commission had put forth recommendations aimed at reshaping partial defences in murder cases. The Commission's current project revisits these issues, aiming to align them with today's understanding of domestic abuse. This will involve an extensive consultation process with a diverse group of stakeholders, including victims of domestic abuse, legal professionals, and academics, to gain a clear view of the challenges involved.

Another area of focus will be the controversial 'rough sex' defence. This defence has been used by individuals accused of murder or serious harm where they allege that any death or injury occurred because of consensual rough sexual activity. The Law Commission's review aims to understand the application of such arguments in the context of domestic homicide, acknowledging the complex scenarios where victims of abuse may resort to lethal actions.

With initial research underway, the Law Commission anticipates progressing toward a consultation phase for proposing reforms in the Spring of 2024. This is a step towards more empathetic and informed legal approaches to domestic homicide cases, ensuring the law more effectively addresses the realities of domestic abuse and supports those affected.

HMP Bristol 'Not Fit For Purpose'

Melissa Smith, Justice Gap: A central concern is the high level of deaths which are 'significantly higher' than in other prisons. Between 2022 and 2023 there were nine deaths reported in custody at HMP Bristol with six of these being self-inflicted. Rates of self-harm have also increased by 40%, which makes 'Bristol the second highest when compared with other prisons.' These figures led to the recent conclusion by the HM Inspectorate of Prisons that Bristol prison is one of the least safe in the country.

Another key problem is overcrowding as prisoner numbers increased from 480 to 580 between August 2022 to July 2023. The report found that 'single occupancy of a cell is now an exception' but the cells prisoners are kept in were 'built in Victorian times for one person'. There are also hygiene concerns as prisoners are required to eat in their cell with only one table and chair and an unscreened toilet.

The report also found staffing levels were below what is required. Low staffing means that more prisoners are spending longer in their cells which can be up to 22 hours a day. The availability of activities for prisoners is also limited with activities often being cancelled on the day. This means prisoners can spend up to 22 hours in their cells at a time.

It was also found that 'drugs are now one of the biggest threats to the operation of the prison impacting onto the safety and security of prisoners and staff.' Drugs are easily smuggled in to the prison as 'banned substances can be thrown over the walls', which means prisoners are often under the influence and require healthcare or sometimes hospital admission.

IMB Chair Emma Firman stated that 'We are now seeing a prison that is being pushed to

its limits. If the prison is to be fit for purpose, then additional resources and a reduction in overcrowding is needed to enable the hard working but overstretched staff to keep prisoners safe. Prisoners at Bristol are being failed and most will have a little chance of rehabilitation upon release'. The annual report published by the independent monitoring board (IMB) at HMP Bristol concluded HMP Bristol is not fit for purpose.

Legal Challenge to "Constitutionally Unprecedented" Protest Rights Restrictions

*Melin Onal, Justice Gap:*The National Council of Civil Liberties ('Liberty') is making a civil claim to challenge the 'constitutionally unprecedented' UK anti-protest law that makes it easier for the police to interfere with protest rights. Under new regulations police can restrict peaceful demonstrations as "serious disruption to the life of the community" if they consider obstructions or delays caused by public protest to be "more than minor". Proposed changes to the Public Order Act 1986 along these lines had been rejected by the House of Lords after much debate and scrutiny. However, the former home secretary Suella Braverman sought to bypass these objections, utilising the government's "Henry VIII" powers to amend the law through regulations rather than legislation.

Liberty is seeking to have the regulations overturned, saying they 'represent a constitutionally unprecedented attempt on the part of the executive to achieve by the back door through delegated legislation what it was not able to achieve through the front.' Katy Watts, a lawyer at Liberty, said: 'These laws had been thrown out by parliament just months before the then home secretary introduced them. It's shocking to see the government so flagrantly disregard our vital democratic checks and balances, and we're determined not to let this stand.' The government should not be 'allowed to get away with it. ' The Home Office says while the right to protest is recognised, 'it is also important to safeguard the right of the law-abiding majority to conduct their ordinary activities' and that proper parliamentary procedure was followed.

Quashing of Sentence for Drug Offences at Court of Appeal

The Appellant had been sentenced to 2 years' imprisonment for offences of possession with intent to supply Class A drugs and possession of criminal property. On appeal Ms Stockdale argued that a suspended sentence should have been imposed and that the sentencing judge had failed to conduct the balancing exercise in deciding whether an immediate custodial term was appropriate. She also argued that the custodial term was manifestly excessive as the judge had failed to reduce the starting point for the small quantity of cocaine involved in the offence and the appellant's strong mitigation. The Court of Appeal agreed, and imposed a suspended sentence with no punitive requirements.

CCRC: Illegal Entry Case Referred to Crown Court

The Criminal Cases Review Commission (CCRC) has referred an illegal entry conviction to the Crown Court. In December 2019 Fouad Kakaei was convicted at Medway Magistrates' Court, Kent of entering the United Kingdom illegally, breaching immigration law. He was sentenced to four months imprisonment. In August 2021 Mr Kakaei applied to the CCRC to review his conviction for illegal entry and after a thorough review of his case, the CCRC has decided to refer his conviction to the Crown Court. The CCRC consider that the prosecution case in December 2019 was based on a misunderstanding of the UK law as it stood at the time of his arrival into the United Kingdom, and had the correct legal position been applied no prosecution proceedings would have been brought against him.

Crown Court Quashes Conviction for Handling Stolen Goods Following CCRC Reference

Isleworth Crown Court has quashed the conviction of a woman for handling stolen goods following a reference by the Criminal Cases Review Commission (CCRC). Ms Magda Krol had been convicted of handling stolen goods and six other offences at Uxbridge Magistrates' Court in August 2017. In July 2018, Ms Krol was convicted of a further five offences. As a result of new evidence, a judge quashed 11 of Ms Krol's convictions in February last year but was unable to consider the single remaining conviction of handling stolen goods as this had been the subject of an earlier appeal. After a first-time appeal, the only way back to the appellate court is by a reference from the CCRC. Following a review of Ms Krol's case, the CCRC decided there was a real possibility the Crown Court would quash the remaining conviction and referred it at the beginning of November 2023. Ms Krol's conviction was quashed by the Court on 27 November 2023.

Dublin Bombing Survivor Dies After Latest Court Battle

KRW Law: On the 17th May 1974 Derek Byrne was seriously injured by a Loyalist UVF bomb in the Parnell Street bomb in Dublin. He was pronounced dead upon arrival at Jervis Street Hospital but miraculously he woke up 3 hours later in the morgue and was then rushed to the operating theatre for emergency life-saving surgery. No one was ever prosecuted in connection with the atrocity which killed 34 people and injured 300 more.

Almost a decade ago Derek instructed us to start the next phase of his fight for justice. We issued High court proceedings against the Police, Military and the Secretary of State for damages for conspiracy to murder and misfeasance amongst other torts in relation to collusion allegations around the Dublin Monaghan Bombings. In December 2018 Derek was part of a large group of families of victims and survivors who travelled to Belfast to listen as the High court ordered the release of documents in their case.

However the State immediately appealed the Order and issued motions to strike the case out. Nearly 5 years on Derek returned to the same court to hear the Defendants arguments to prevent discovery of material. He travelled wheelchair- bound on the train from Dublin. He did so knowing he was severely life limited and very much against medical advice. Five days later he succumbed to his many illnesses and died. His incredible survival of that bomb blast was bookended 50 years on by his defiant act of attending court when at deaths door.

There's a real poignancy to his missing out by a few days on hearing the outcome of the court case. The recent positive soundings of the new chief Constable on sharing of Troubles linked information makes Derek's passing even more acute. The anticipated impactful outworkings of Jon Boutcher's culture change vision on information sharing is a welcome antidote to the last 5 years of attritional litigation on the Dublin – Monaghan bombings case.

However his pronouncement comes too late for Derek Byrne. He is the latest victim of a litigation system which has timed out on hundreds of other next of kin and survivors who never lived to see the end of their cases. The State default position of non – disclosure permeating all legacy litigation needs to end now. The new Chief Constable has sign posted a possible route to cut out the current labyrinthine discovery procedure which serves to drive up costs as well as prolong truth recovery and justice for Conflict bereaved and survivors. Non contentious documentation should now be disclosed immediately; closed court procedures engaging sensitive information should be expedited and discovery applications ought to be complied with rather than systemically resisted. Derek Byrne's sad passing really ought to be a timely reminder of the need for urgent implementation of the litigation culture change recently advocated.

INQUEST: Government Plans on Hillsborough Review: A Betrayal to Bereaved Families

The Hillsborough disaster was a fatal human crush at a football match at Hillsborough Stadium in Sheffield, South Yorkshire, England, on 15 April 1989. It occurred during an FA Cup semi-final between Liverpool and Nottingham Forest in the two standing-only central pens in the Leppings Lane stand allocated to Liverpool supporters. Shortly before kick-off, in an attempt to ease overcrowding outside the entrance turnstiles, the police match commander, David Duckenfield, ordered exit gate C to be opened, leading to an influx of supporters entering the pens.

This resulted in overcrowding of those pens and the crush. With 97 deaths and 766 injuries, it has the highest death toll in British sporting history. 94 people died on the day; another person died in hospital days later, another died in 1993. In July 2021, a coroner ruled that Andrew Devine, who died 32 years later, after suffering severe & irreversible brain damage on the day, was the 97th victim.

The Government on Wednesday 6th December responded to an independent review of the experiences of Hillsborough families. They have announced some progress and further commitments on the recommendations made in 2017, but INQUEST does not believe these go far enough. Six years ago in November 2017, the landmark review 'The patronising disposition of unaccountable power: A report to ensure the pain and suffering of the Hillsborough families is not repeated' was published. The author, Reverend James Jones, a former Bishop of Liverpool and chair of the Hillsborough Independent Panel, made strong recommendations on the response of public bodies to state related deaths, and the involvement of bereaved families in these processes.

INQUEST made a submission to the review and organised a family listening day where bereaved people discussed their experiences following deaths of relatives in contact with the police, in prisons and in mental health and learning disability settings. Many of the concerns raised by INQUEST and the families we work with were reflected in the recommendations. After significant delays in responding, the long awaited Government response to this review has been published.

Deborah Coles, Director of INQUEST, said: "The systems for responding to deaths must be fair and enable accountability and systemic change to prevent future deaths.Bishop James Jones' landmark review exposed how the interests of powerful institutions and individuals prevail over bereaved people, seeking to find the truth about how their relative died. The failure of the Government to extend the duty of candour to all public authorities and end the inequality of arms is a betrayal and insult to Hillsborough families and all they have fought for over more than three decades. Only the enactment of Hillsborough Law will ensure there is no hiding place for official wrongdoing or failure and address the power imbalance at inquests. It will prevent cover-ups and enable swifter, fairer justice. At the crux of this is the democratic accountability of public authorities at an individual and corporate level."

Empty Evacuation Orders in Gaza

With its bombardment of Gaza continuing, the Israeli military has been issuing warnings for people in south Gaza to evacuate. Via social media and other means, they've sent QR codes: just use your phone to click and download a map to know where to go to be safe. Those who think this sounds reasonable – a modern way to protect civilians in war – are ignoring reality on at least three levels. *First,* the Israeli military has been cutting power to Gaza, making it hard to keep phones charged to access that map. They've also been cutting communications, so even if you find a charge, you may not get a signal. *Second,* the maps the Israeli military has issued have been full of errors. They've had to correct them multiple times, leading to confusion among those desperate to find safety. *Third*, and most critically, there is no safe place to flee to. It's not like the Israeli military is promising not to bomb certain places. They are sending people to smaller and ever more crowded areas without

any guarantees of protection. As Human Rights Watch has said previously, under international humanitarian law – the "laws of war" – warring parties have an obligation to protect civilians, and they're encouraged to warn them, where such warnings can help keep civilians safe. But given all three points above, these current warnings would seem to fail that basic test and for that reason, they're not effective. What's more, people who cannot or do not evacuate an area still have protections under the laws of war against indiscriminate or disproportionate attacks. No military force in any conflict can just make an announcement and then bomb an area with no regard for civilians there – no matter how many warnings it gives and no matter in what form, QR codes or otherwise.

Trans Inmates With History of Violence Against Women Banned From Female Scottish Jails

Libby Brooks, Guardian: Transgender inmates with a history of violence against women will not be housed in female prisons in Scotland, except in "exceptional circumstances". The long-awaited Scottish Prison Service policy review was prompted by the public outcry after a newly convicted transgender woman, Isla Bryson – who committed two rapes while living as a man, Adam Graham – was initially sent to the women-only prison Cornton Vale in January for assessment. Although Bryson was moved to a male prison less than 72 hours later, the furore escalated after similar cases emerged, causing the former first minister Nicola Sturgeon considerable difficulties in the final days before her resignation in February.

The new guidelines confirm an "individualised approach" that any transgender woman with a history of violence against women and girls, and who is assessed as presenting a risk to women and girls, will not be placed in the women's estate. Those who have changed their legal gender can still be accommodated in accordance with their sex at birth, "if it is considered necessary to support people's safety and wellbeing".

Teresa Medhurst, the chief executive of the Scottish Prison Service, was asked on BBC Radio Scotland on Tuesday: "In the case of Isla Bryson, can you say that a trans woman who is in the middle of transitioning and has committed a violent crime against women will not go into the female estate?" She replied: "I can say that anyone who has a history of violence against women and is currently assessed as a risk to women will not go into the female estate." If their offences were a long time ago and low-level, a trans woman could be moved to the female estate, but Medhurst stressed that would be exceptional.

The Scottish Conservative justice spokesperson, Russell Findlay MSP, said this "unacceptable" loophole was based on a "completely subjective" risk assessment. Other critics suggested that the narrow focus on the potential risk of assault ignored the broader impact on fellow inmates. Lucy Hunter Blackburn, from the policy analysts Murray Blackburn Mackenzie, said the prison service "needs to recognise how the presence of someone male might impact upon group of vulnerable traumatised women, held in spaces from which they cannot escape".

Vic Valentine, the manager of Scottish Trans, welcomed that updated policy as "recognising that trans people in custody should not be considered to be a risk of harm to others simply because they are trans", and supported decision-making "on the basis of evidenced risk assessment". According to the most recent figures available, from January to March 2023, there were 23 transgender prisoners in Scottish prisons in total, including 12 trans women in the men's estate and seven trans women in the women's estate, as well as one trans man in the men's estate and three trans men in the women's estate. The new policy updates 2014 guidance that prisoners should be placed in facilities according to their gender identity but dependent on detailed and continuing risk assessment.

The Scottish policy is more individualised than that in England and Wales, where in February the then home secretary Dominic Raab set out "sensible" new measures that transgender offenders who have committed sexual or violent crimes or retain male genitalia cannot serve their sentence in a women's prison "unless explicitly approved at the highest level".

Scottish Prison Service consultation with women inmates for the new policy found that, while they displayed a "live and let live" attitude towards transgender people in custody, they also raised concerns about predatory individuals "manipulating the system".

HMP Stoke Heath Cause of Inmate Martin Willis' death - Neglect by Staff

Martin died at HMP Stoke Heath on 15 September 2022 and the inquest into his death was held at Shropshire, Telford and Wrekin Coroner's Court, concluding on 17 November 2023. The coroner and jury heard how Martin had been in and out of custody since receiving a sentence of imprisonment for public protection in 2007, known as an "IPP" sentence, and that in 2017 he had been diagnosed with schizophrenia and spent a number of months receiving mental health treatment as an inpatient at a secure unit facility. On 26 October 2021 Martin returned to prison custody at HMP Birmingham before being transferred to HMP Stoke Heath on 15 November 2021, where he remained until his death on 15 September 2022. Martin's mental health began to markedly decline in July 2022, and on 18 August 2022 he saw a psychiatrist who changed his antipsychotic medication. At this review and subsequently Martin requested a transfer to the healthcare inpatient unit at HMP Dovegate or alternatively admission to a medium secure unit (both of which he had been admitted to previously when unwell). No such referral was made. His mental health continued to severely deteriorate, and he suffered from increasing auditory hallucinations and paranoid ideation.

On 11 September 2022 Martin was placed onto the Assessment, Care in Custody and Teamwork ("ACCT") process after he was found to be exhibiting suicidal behaviour. An ACCT is the care planning process for prisoners identified as being at risk of suicide or self-harm. Martin remained on the ACCT until his death, and was placed on hourly observations by prison officers. A review of Martin's ACCT took place on 12 September 2022 when it was decided that his hourly observations would continue. The inquest heard expert evidence from a consultant forensic psychiatrist who advised that, from this point, in view of the severity of Martin's condition, he should have been placed on constant observations and an urgent referral should have been made for transfer to a custodial healthcare unit and/or external medium secure unit. Martin's next ACCT review was brought forward to 14 September 2022. At that review it was decided that, because he reported a worsening of his symptoms at night, he should be observed twice hourly during the night. That same night however, Mr Willis was observed only once hourly. Martin was found dead in his cell at 08:38am the following morning.

The jury concluded that Martin had died by suicide whilst the balance of his mind was disturbed, in part because the risk of him doing so was not reported, communicated and that there were not enough precautions in place to prevent him doing so. In a detailed accompanying narrative, the jury found that insufficient protection was given to Martin in light of the rapid decline in his mental health and that there were various failings in the identification and communication of his risk of self-harm.

The jury also identified a range of specific failings in the ACCT procedure, namely: The severity of Martin's situation was not noted sufficiently in the correct areas of the ACCT paperwork. There was a lack of attendance by multi-disciplinary staff at review meetings. The "Risks, triggers and protective factors" and "sources of support" sections of the document were not completed or updated during review meetings. Review notes were not shared or signed by all attendees; and Specified observation times were not adhered to. At the conclusion of the evidence, Senior

Coroner Ellery reserved his position on whether he would issue a prevention of future deaths report, subject to receiving evidence of further ACCT training having taken place at the prison within two weeks of the conclusion of the inquest. The family of Mr Willis was represented by solicitor Maya Grantham, who instructed Laura Profumo of Doughty Street Chambers.

In a statement, Mr Willis's sister said: "I knew he couldn't have been coping. To this day I am heartbroken and so disappointed that I couldn't speak to him to help him. I am haunted because it was obvious to me in October 2021 that Martin needed help for his mental health."

Solicitor for the family, Maya Grantham, said: "The evidence heard at the inquest highlighted a catalogue of shortcomings in the carrying out of the ACCT procedure and the mental health provision at the prison. However, the prevalence of serious mental health issues amongst the prison population means it is all the more important that there are effective safeguarding systems in place. In this case, Martin was failed by the very processes designed to keep him safe. It is imperative that lessons are learned and future deaths prevented."

INQUEST 40 Years of Political and Legal Reform With More to be Done

A new report celebrates the 40 year history of INQUEST, marking their victories in improving access to justice for bereaved families and renewing their call for even greater reform in a political landscape 'in a constant state of flux'. INQUEST have been instrumental in legal and political campaigning around deaths in custody, at the hands of the police, in state care and following mass casualties. Mick Ryan of INQUEST comments in the report that before the organisation was founded 'no-one was much bothered about what appeared to be a peripheral issue.' He recalled that in 1979 the then Home Secretary couldn't say how many deaths in custody there had been that year. Since then the group has campaigned to abolish the Prison Medical Service (PMS) after a series of deaths in custody and the striking off of a prison doctor by the General Medical Council. In 2022 the government transferred all prison health care to the NHS.

The report highlights that although there is a considerable way to go towards preventing all deaths in custody, underscored by their ultimate abolitionist ambitions, there has been a marked change. In the 1990s they report prison staff were 'openly hostile' towards families recounting their experiences of loved ones dying in custody. They say the prison service and investigation and inspectorate bodies are now willing to engage. However, as recently as 2017, Eilish Angiolini stated in her conclusion to a review into deaths in custody following the deaths of Sean Rigg and Olaseni Lewis: 'it is clear that the default position whenever there is a death or serious incident involving the police, tends to be one of defensiveness on the part of state bodies.'

INQUEST have used this report to renew their call for 'an end to political posturing around law and order' as well as a 'drastic reduction' in the prison population and an end to the plan to increase the number of prison spaces in the UK. In the early 1990s INQUEST launched a campaign with the Legal Action Group, the Legal Aid Practitioners Group and the Law Society calling for legal aid to be available to families in some inquests. As recently as 2019 the Ministry of Justice rejected the idea of allowing legal aid for inquests, though this was reversed in 2021 with the removal of the means test for 'Article 2' inquests. The group continue to argue for equal access to legal funding for the family of the bereaved and the opposing state body or public authority. They argue this is the only way to rectify the 'inequality of arms' between bereaved families and the state.Alongside campaigning on individual cases, the report highlights the structural reforms required to effect meaningful change and ensure lessons are actually learned following an avoidable death.