

MOJUK: Newsletter 'Inside Out' No 1000 (24/04/2024) - Cost

Prison Can Seriously Damage Your Health

Raymond Smith: Health has once again hit the headlines, first with the news that the Princess of Wales, like the King, is undergoing treatment for cancer. It is always strangely surprising when people in such positions are seen to suffer the same difficulties as so many others, though it really shouldn't be. Ill health has an equal opportunities attitude, although treatment available does not. The second item was that thousands of people are unable to work due to mental health struggles, close on two-thirds of those signing off on sick leave. Perhaps it is because we understand the issue more than we did in the past, which would clearly be a good thing. But I wonder if any recent studies have ever been undertaken on the health damage people suffer after release from prison. Hordes of Criminology researchers seem to have studied everything else at some time and published complex papers, but I have not found recent investigations into what I consider an important subject, and no sign of imminent change.

Not for me: My interest is because many of my friends and acquaintances are still suffering psychological and physical problems even years after they walked out of the gates, and I have no idea if it is widespread. I was not personally impacted, as I was not in prison that long and as soon as I was let out, I returned to my own home. Others are not so fortunate, so leave to an uncertain future, struggling to cope. My circle of friends and acquaintances is not vast, but it is a significant number and includes strong positive characters. Around 75 per cent of those I know have endured poor physical health or suffered stress-related illnesses that have caused them to take time off work or stopped them finding employment. Small sample, high percentage. Others are just struggling to find or keep work in difficult economic times, and very few were fortunate like me to have a settled home into which they would move, so were shunted from pillar to post to get an address that would last for more than a year. Breathing difficulties were the most common symptom, plus feelings of physical weakness and lethargy or migraines. These impact on work and on social lives, and are very damaging.

Prisons are highly-regimented establishments with rigid timetables. You are unlocked at specific times, go to pre-allocated activities or appointments, come back at set times, get locked in again, meal times are fixed, no choices whatsoever. You know what you will do each day, where you will sleep, and most likely are crammed into a cell with someone who has been pushed into sharing with you. The fixed routine is repeated day after day. In that cell, you sit and dream of what you will do outside. Your mind conjures up visions of how life will be, as you ponder future careers you might take. Perhaps you studied whilst inside, and took training to prepare you. Then you might have been moved to open conditions to prepare you for the day you walk out of the gate. You feel positive, you are confident, and then the day comes, you leave, and for far too many it starts to slip away.

You find yourself struggling as life now becomes more complex. Perhaps you are placed in Approved Premises for a period, but feel uneasy about the environment. Alternatively, if you have no fixed address to which you can return, because maybe you were renting your home and lost it whilst in prison, or you were sharing with a partner who left you during your sentence. So you find nothing has been finalised. You may be moved from place to place whilst an overstretched probation officer tries to sort something out.

Without a permanent address, the hope of finding work vanishes. Employers who may be willing to take on someone who has just left prison may be less keen if they have not got anywhere settled to live. I can imagine the stress this causes. Then there is the sadness of returning to a life where some who you loved and cared for have died whilst you were in prison. Whilst you may have managed the emotions whilst in jail, once you are out in the streets that bring back memories of the loss.

The World Moved on, But You Stood Still: If you have been inside for a few years, all life has changed. Friends have disappeared; they often do when you have been convicted. Places you knew have shut. Smart phones control far more than communication, including banking. Face-to-face appointments with doctors are hard to get, they are conducted by telephone, and it is difficult to book one of these, even if you have managed to get accepted by a GP. Ditto dentists. Once again, probation officers have little time or ability to settle this. In jail your life is laid out for you, a routine that may be tedious and resented, but it exists, and any tragedies or problems happening to those you care for outside the walls are beyond your control. You can do nothing about anything and just have to accept it. When you are outside, you have to take control, and may feel that you are in fact responsible for anything that went seriously wrong whilst you were inside. Take a close family member's death. If you have been in prison for a long while, the chances are you have lost a near and dear member of your family, and that is very traumatic.

How often do we come across families hit by a tragic death who then fall into arguments about who could or should have done what, and when it should have been done? Once the funeral is over, recriminations begin, and as someone who was not around you may get the blame, or may certainly feel you are being blamed. Maybe you attended the funeral, cuffed to an officer, or maybe you did not because you felt it inappropriate in case you therefore became the centre of attention. Either way, you will feel you were wrong. We all know how difficult it is to work when we are despondent, and if you have got a job, you will have to slog your way through any emotional stress and maintain a cheery disposition in front of others. You may even feel the need to hide your emotions from your family. It is not surprising that you are feeling down, but finding help and advice is difficult. I am not sure GPs can fully understand the fallout caused by prison. More pills are never the right answer.

Whilst you are in prison, everyone is in the same position as you are. All locked up each evening and unlocked the next morning. All on the same routine. All trapped within the walls. Whilst medical services are sparse and underfunded, I always found the doctors to be committed to those in their charge. Plus there were the Listeners. There are no Listeners outside. Others in your street and in your workplace are not trapped within your experience. Probation officers are not there to be therapists. Tens of thousands of people have spent some of their life inside jail, come out, and got through it, sometimes after a struggle. Surely some existing organisation could accept this challenge. They could form a large group in each part of the country to organise meetings with ex-prisoners in which they can share their concerns and stresses, and ensure they have contact with counsellors to help and guide them through the choppy waters they encountered. A bit like an Alcoholics Anonymous, but for ex-prisoners.

However, above all I would want to see this researched in a way that allows us to look at changes that can be made in prison to ensure people get the support they will need when they leave. Let not life outside be a shock for them. Prepare them for the changes they will find. All my friends are strong people, committed to working with others, and yet they struggle. I am

sure they are not unique, and that prison damages countless thousands of people for life. This country is doing nothing to put that right, so research is urgently needed to assess the problem and find solutions. Prison was the place where we once were. We should not let it scar us permanently. It is time to find out what is happening to so many who have left, and fix it. Being outside the walls is better than wasting away inside, but we must all strive to ensure it can be fully loved and enjoyed by all.

Court Delivers Sentencing Guidance

The Court of Appeal Tuesday 9th April 2024, upheld an appeal against sentence for serious sexual offences and substituted a sentence of 11 years' imprisonment for one of 14 years. Its judgment provides guidance for sentencing judges where the bulk of the offences were committed when the offender was under 18 years of age.

Dennis Allen ("the appellant") was sentenced on 19 December 2022 to 14 years' imprisonment in relation to 13 counts of serious sexual offending against his stepsiblings, Gordon Allen and Sara Allen (now Potter), both of whom have waived their anonymity. The sexual offending against Gordon lasted for around two years, with the offending against Sara when she was aged 6-7 years up to nine years of age. The appellant was convicted after trial before a jury. The offending, apart from one count, was committed when the appellant was under 18 (between the ages of 13 and 15½ approximately). The primary submission on appeal was that the judge erred in his calculation of a starting point of 15-19 years before he reached a 14-year sentence and should have made a greater reduction for the fact that the offending in large part occurred when the appellant was in law a child.

An ancillary point was raised on appeal. It was contended that the judge did not have the sentencing powers to impose custodial sentences on six of the offences. The court said that an application could have made to the sentencing judge to correct this error pursuant to section 49 of the Judicature (Northern Ireland) Act 1978 which allows an application in the rare case where an issue arises such as this to be made within 56 days. The court had no doubt that if such an application had been made the judge would have adjusted his sentencing. As there was an appeal against other validly made sentences in this case, the court said the procedural point was not so acute. There was agreement between the prosecution and the defence that the sentences of imprisonment should be quashed on these counts and the court substituted absolute discharges on each of those counts.

Judge's sentencing remarks: The judge was cognisant of the fact that most of the offending took place when the appellant was a minor and therefore, correctly in the view of the court, chose a count of rape against Sara as the headline offence because it could be definitively ascertained that the appellant was over 18 at the time that he committed this offence. The judge decided that the offending was "clearly a campaign of rape with aggravating factors that adjust the starting point from 15 years to one of 19 years." Further, he found that "culpability cannot be described as low in this case, but it is impacted to some degree by relative youth when some of the offending occurred. Its progression into adulthood means, however, that his culpability extends towards without quite reaching high."

Next the judge dealt with the issue of the high level of harm suffered by the victims in this case. He then considered the risk of reoffending in relation to the appellant. The judge recorded that the appellant had no previous convictions for sexual offences and his past offending is not relevant. He also noted that since being remanded into custody the appellant became an enhanced prisoner, gained employment and signed up for a number of courses designed

to assist in future employment when released from custody.

Justice Tech - One Year to Solve the Access to Justice Crisis

LawtechUK's latest laudable goal is to use artificial intelligence to help improve access to justice. But who is going to design – and pay for – this new ecosystem of online services? Lord Justice Birss is a believer. 'AI used properly... will democratise legal help for unrepresented people,' the deputy head of civil justice said last month in a notably bullish speech entitled 'Future visions of justice'. 'One could imagine an early legal advice and assistance service designed to be the first port of call for individuals with limited means, with a front end using the natural language abilities of large language models,' he told an audience at King's College London.

Such a system would form an important component of the master of the rolls' vision of a civil justice 'funnel' – an ecosystem of online services, public and private, filtering out the vast majority of civil disputes without the involvement of physical courts. But where will these innovative AI-assisted solutions come from? The usual assumption, probably correct given the public sector's record in such things, is that they will come from private-sector startups and third-sector bodies. This is the thinking behind a change of emphasis in the five-year-old LawtechUK programme, which last month kicked off an access to justice initiative. We even have a new buzzword, 'justicetech', to distinguish the work from previous technology-based efforts which focused on improving lawyer efficiency.

But putting together software packages costs money. And the launch event of LawtechUK's access to justice programme, in London last month, was notably light on the business case for investment in justicetech startups. Maya Markovich of US trade group the Justice Technology Association, identified a structural problem. The people who know most about the issue are those who have had 'lived experience' of barriers to justice, she said. But such people generally do not have the resources or expertise to create tech startups. 'Those who are closest to the problem are closest to the solution – but are farthest from resources,' she said.

'One could imagine an early legal advice and assistance service designed to be the first port of call for individuals with limited means, with a front end using the natural language abilities of large language models'. In the US there seems to be interest from 'impact investors' – investors with social goals – looking for technology to disrupt antiquated systems, Markovich noted. It is unclear whether anything similar is happening in the UK. The event heard pitches from three promising startups: Wenup, a service for creating pre-nuptial agreements; Advisers Toolbox, which automates the writing of case notes; and MyGoodbyes, an app to encourage conversations about death (see page 12). It was notable that none of the presenters set out their business models – and perhaps most significant that no audience member sought to ask.

And, while Martha de la Roche, partnerships director at the Access to Justice Foundation, offered the possibility of financial support, technologist Amit Kohli, of advice charity Access Social Care, called for an 'all-hands-on-deck movement' along the lines of that seen during Covid. 'If the funding becomes more available, the innovation will follow.' Sarah Stephens of the University of Sussex said that the new Online Procedure Rule Committee, of which she is a member, is committed to 'capturing users' voices' and building systems around the needs of users, not lawyers. But she noted that the committee is still awaiting the statutory instrument necessary for it to start work.

Meanwhile LawtechUK is doing its bit with a new programme to connect 'key legal market players with the most forward-thinking startups'. Lawtech Bridge will get under way in June and is now inviting applications for participation. 'We think big companies don't know how to buy and small companies don't know how to sell,' Martin Boyle of incubator CodeBase said.

But is technology the only lifeboat for access to justice? It was the founder of one of the

UK's most notable justicetech startups, Danae Shell of employment law support platform Valla, who raised the possibility of a new government restoring access to justice by reversing legal aid cuts. 'It's a different world to 2012, and legal aid wasn't perfect then,' responded Ellen Lefley of Justice. Stephens agreed. 'We simply cannot go back to what we had before. How the money is used and spent would look very different – and should look very different,' she said. And, speaking of end-of-life conversations, LawtechUK itself is in its terminal phase: its budget runs out next April. Calls from figures such as Professor Richard Susskind for a National Centre for Legal Innovation to succeed it appear so far to have fallen on deaf ears.

Justicetech Could be Orphaned Just When it is Most Needed.

European Court of Human Rights: States Must Take 'Immediate' Climate Action

A historic ruling means that governments must take concrete steps to tackle the climate crisis and set out credible targets to reach net zero. The Strasbourg Court has ruled that the Swiss Confederation is violating the European Convention on Human Rights by failing to tackle climate change. The judgment was handed down alongside two other climate cases: one brought by a French MEP, the other by a group of young people from Portugal. Both of these were ruled inadmissible on procedural grounds.

The successful case was brought by four older women and a Swiss association of women over 64, KlimaSeniorinnen Schweiz, focused on tackling the climate crisis. The applicants argued that the Swiss authorities' failure to tackle the climate emergency is harming their lives, living conditions, and health. They argued that this puts the Swiss Confederation in breach of its obligations under the Convention to protect the right to life (Article 2) and to ensure respect for their private and family lives (Article 8). The court emphasised that it wasn't its job alone to take action over the climate crisis, which it called "one of the most pressing issues of our times". But democracy is more than the will of the majority, and governments cannot simply ignore the rule of law, the court continued. Given the "widely acknowledged inadequacy of past state action to combat climate change globally" and the risk this poses to human rights, the court could not ignore its role in enforcing human rights.

In all three cases, governments argued that because climate change is a global problem, no one state could be held responsible for its impact. The court rejected this argument, saying that "each state has its own share of responsibilities" and could not "evade its responsibility by pointing to the responsibility of other states." In this landmark ruling, the court said that states must take concrete steps to prevent "a rise in global average temperature beyond levels capable of producing serious and irreversible adverse effects on human rights," especially the right to private and family life and home under Article 8 of the Convention.

States must take measures for "substantial and progressive reduction" of their emissions, the court continued, with a view to reaching net neutrality within, in principle, the next three decades. To make this possible and avoid placing a "disproportionate burden on future generations", they need to take action immediately, putting in place credible targets for reductions along the way. These measures must not only be put into binding regulatory frameworks by each country, the court insisted, but also must be properly implemented. The court said that in future cases it will consider whether states are in breach of their obligations against a suite of factors listed in the judgment – such as whether the state has kept its emission targets updated in line with the best available evidence. And the court declared that it's not enough for states to take steps to reduce emissions, they must also tackle the climate emergency's most severe and imminent consequences.

While the court decided not to consider the applicants' Article 2 claim, it did find a violation of Article 8. The court found critical gaps in Swiss regulations, including a failure to quantify reductions in emissions, and that the Swiss Confederation has missed past reduction targets. "By failing to act in good time and in an appropriate manner", the court said, the Swiss government was in violation of Article 8 of the Convention. The Swiss government must, therefore, change its climate policies in order to cease violating human rights law. The court also found that there had been a violation of Article 6. When Swiss courts rejected the KilmaSeniorinnen complaint, this amounted to a breach of their right of access to the court. This is likely to have a significant impact on future challenges, as it underscores the importance of access to justice and the vital role domestic courts have to play in ensuring human rights are protected from the impacts of the climate crisis.

The significance of this ruling is difficult to overstate and is likely to form the foundation of many future legal challenges – including in the UK, where courts must take account of decisions from the European Court of Human Rights. When Good Law Project successfully challenged the UK Government's net zero strategy – and the courts declared it unlawful – the human rights arguments we made were rejected because the Strasbourg court had not yet gone so far. Now that the court has recognised the important role human rights have to play in addressing the climate crisis, it should be easier to hold states accountable for their climate vandalism.

New Report Finds Toxic 'Forever Chemicals' Found in UK Food

Monica Piccinini, 'The Canary': Pesticide Action Network UK (PAN UK) conducted an analysis on the most recent findings from the UK government's residue testing programme. The results unveiled the presence of 10 distinct PFAS pesticides in various fruits, vegetables, and spices such as grapes, cherries, spinach, and tomatoes. Among these, strawberries emerged as the primary culprits, with PFAS detected in 95% of the 120 samples examined:

Approximately 10,000 chemicals have been classified as 'forever chemicals' due to their persistent nature, enabling them to remain in the environment and accumulate in the bloodstream, bones, and tissue of various organisms, including humans. The degradation period for PFAS in the environment is estimated to vary from a decade to well over 1,000 years.

PFAS are a group of entirely human-made chemicals that didn't exist on the planet a century ago and have now contaminated every single corner. No one gave their consent to be exposed to these harmful chemicals, we haven't had the choice to opt out, and now we have to live with this toxic legacy for decades to come. The very least we can do is to stop adding to this toxic burden by banning the use of PFAS as a group.

HMI Prisons: Removal of Immigration Detainees to Albania

Well organised but too many were detained for too long - HMI Prisons observed an operation to remove 73 Albanian detainees from the UK via a flight from London Stansted to Tirana in December 2023. Fifty of the Albanians were returning voluntarily. 129 escort staff were used in the operation and the escort contractor was Mitie Care and Custody. Overall, the inspection finds that the removal operation was generally well organised, but too many of those removed were held in detention for several weeks before the flight even though they were willingly returning to Albania. The report notes: "Some [detainees] were frustrated that they had had to wait in detention for more than a month before a flight was arranged, despite accepting removal at the earliest stage." Concerns were also raised by HMI Prisons over the routine breaching of detainees' medical confidentiality, a failure to clearly communicate information

about vulnerability and risk, and the inadequate use of interpreters.

Sarac v. Denmark - Expulsion Order Violation of Article 8

The applicant, Safet Sarac, is a national of Bosnia and Herzegovina who was born in 1986 and lives in Bosnia and Herzegovina. Mr Sarac came to Denmark in 1993 at the age of seven and became a permanent resident in 1995. He has an extensive criminal record, including convictions for drugs offences. The case concerns his conviction in February 2020 for drugs and firearms offences. He was sentenced to two years' imprisonment. The national courts ordered his expulsion from the State and issued a lifelong re-entry ban. Relying on Article 8 (right to respect for private and family life) of the European Convention, Mr Sarac complains of the decision to expel him and of the re-entry ban imposed on him. Violation of Article 8: Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant. It further held that the respondent State was to pay the applicant 5,400 euros (EUR) for costs and expenses.

Nguyen v. Denmark - Expulsion Order Violation of Article 8

Thi Kim Oanh Nguyen, is a Vietnamese national who was born in 1974 and lives in Copenhagen. She is the caregiver for a minor daughter and an adult daughter with health problems. Ms Nguyen came to Denmark in 1989 at the age of 13 and became a permanent resident in 1994. The case concerns Ms Nguyen's conviction in 2019 for involvement in growing a considerable number of cannabis plants with the intention of manufacturing hashish for sale and distribution.

She received an 18-month prison sentence. Following her conviction, the national courts ordered her expulsion from the State and issued a 12-year re-entry ban. The expulsion order has not yet been enforced. Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Nguyen complains of her threatened expulsion from Denmark and of the re-entry ban imposed on her.

Violation of Article 8: Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant. It further held that the respondent State was to pay the applicant 5,400 euros (EUR) for costs and expenses.

Deaths of Lawrence Joseph McNally, Anthony Patrick Doris & Michael James Ryan

Summary Of Coroner's Verdicts And Findings: Mr Justice Humphreys presided as Coroner over the inquests into the deaths of Lawrence Joseph McNally, Anthony Patrick Doris and Michael James Ryan which occurred on 3 June 1991 at Coagh, County Tyrone. All three were members of the East Tyrone Brigade of the Provisional IRA ("PIRA") and were on active service. They met their death following engagement with members of a Specialist Military Unit ("SMU"), a unit within the British Army.

The inquest focussed on identifying how, when and where the deceased came by their deaths. In particular, it considered whether the military operation which culminated in the deaths was planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force and whether the actual use of force was justified in the circumstances. The Coroner concluded, in each case, that the use of lethal force was justified as the soldiers had an honest belief that it was necessary in order to prevent loss of life. He said the use of force by the soldiers was, in the circumstances they believed them to be, reasonable. *The Coroner also concluded that the operation was not planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force.*

'Kill Zone' Set up for Men Shot Dead by SAS in 1991

Rebecca Black, Irish News: The deaths of Peter Ryan, Tony Doris and Lawrence McNally in Coagh were examined at an inquest which concluded today. Delivering his provisional findings at the Royal Courts of Justice in Belfast, Mr Justice Michael Humphreys said he was satisfied the use of force was "reasonable" as the soldiers had an honest belief that it was necessary in order to prevent loss of life. But he was also critical of the planning of the army operation saying there was an "overwhelming likelihood" it would result in loss of life. The coroner also criticised the police investigation as "woefully inadequate", and slammed the destruction by soldiers of an army video and other documentation around the incident.

Speaking outside court, solicitor Padraig O Muirigh, who acts for the families of Peter Ryan and Tony Doris, contended that a "kill zone" was set up. "The clients that I represent have always maintained there was a shoot-to-kill policy operating at this particular time, what these findings show is that a kill zone was effectively set up," he said. "The planning of the operation was deliberate to avoid an arrest situation, and as the coroner said we had an inevitable outcome. Whilst there is disappointment that he has found the force used was justified, we take some positive things from these findings. What we see in the aftermath is a very clear cover up of that shoot to kill policy, both in terms of how the British Army destroyed a crucial video which would have assisted this coroner and important documentation relevant to the inquest, and as he describes it, the woefully inadequate RUC investigation meant that the full facts would never be before this inquest so that cover up was also a critical part, in my view, of this operation."

The Coroner also concluded that the Army operation was not planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force.

ECHR Rulings: Significant Progress, but Important Challenges Remain

The latest annual report from the Council of Europe's Committee of Ministers highlights significant progress on implementing rulings from the European Court of Human Rights in 2023, whilst underlining that several important challenges remain. According to the report, the Committee of Ministers was able to close 982 cases during the year following steps taken by member states. This included 180 'leading' cases requiring specific, and often wide-ranging, measures to make sure the same human rights violations did not happen again.

Furthermore, many important advances took place – across many different member states – in cases that were still pending at the end of the year. The total number of cases against member states pending before the Committee on 31 December 2023 was 3,819, of which 1,071 were leading cases(*). This figure remained relatively stable over the course of the year, despite a high number of new cases being transmitted to the Committee by the Court.

The report also highlights greater engagement in the implementation process on the part of both member states and civil society in 2023. A record number of action plans and action reports were submitted by member states, and the number of submissions from civil society organisations and national human rights institutions continued to grow.

However, Russia's continuing aggression against Ukraine continued to have a major impact on the system, severely affecting Ukraine's capacity to promptly implement rulings from the Court. Due its determination and close cooperation with the Council of Europe, Ukraine nevertheless managed to close 75 cases in 2023. In contrast, no progress was reported in any of the cases pending against the Russian Federation, which total a further 2,566 cases and so make up 40% of the Committee's overall pending caseload. The Committee of Ministers

adopted a specific strategy for dealing with those cases in 2023, which notably includes enhanced cooperation with the United Nations and civil society.

Finally, the report sets out the extensive work done to support member states through co-operation, assistance and dialogue last year, including a record number of visits and meetings with national authorities. It also stresses the clear need for member states to further reinforce their domestic capacity for implementing the Court's rulings, as underlined in the Reykjavik Declaration adopted at the Council of Europe Summit of Heads of State and Government in May 2023.

Welfare of the Planet and the People - Time for A Green Dictator?

Food glorious food, but have you noticed how much is wasted? Even the DHL food is thrown away, yet they could sell it at half price, or better still, give it out on the wings. The clothing allowance has been cut in half by prison staff. But wait a minute, you would give all the unwanted clothes to charity – what a waste of fabrics. Making many of these clothes in the first place has probably contributed to climate change. For nothing. Yet King Charles, who basically owns the prisons, claims to be an environmentalist working for the environment. But then again, he's not allowed to get involved with politics. So, what is the purpose of a Monarchy? I think it is time for a green dictator. One who has the welfare of the planet and the people at heart, and not just taxes, taxes, and more taxes. Somebody who will get the job done. We need real change.

Drug-Free Wings 'Are a Magnet For Dealers'

So-called 'drug free wings' in prisons act as a magnet for dealers by bringing together prisoners with long-term drug problems in one area of the jail, the Chief Inspector of Prisons has warned. Charlie Taylor said that at one prison he recently visited, HMP Hindley near Wigan, he saw for the first time that more than half of residents throughout the jail had tested positive for drugs – and he noted that "the drug-free wing was one of the most problematic for drugs in the prison". The Government has created many more drug-free wings as a central plank of its strategy to tackle the drug problem in prisons in England and Wales. In 2022, ministers announced that the number of "incentivised substance-free living" units in prisons – which offer regular testing, peer support, and incentives such as extra gym time for good progress – would increase from 25 to 100, while 18 "drug recovery wings" would also open. Taylor said in a blog post last month: "There has been a resurgence in the use of 'incentivised substance free wings', or drug-free wings. Drug-free wings have existed in different forms over time, and they have always found it hard to keep drugs out because many of those on the wing will be long-term drug users. "While they may well be trying to get off drugs, they are nevertheless an obvious target for drug dealers within the prison. Certainly, this was the case in Hindley." Taylor said that across the prison estate, the extent of drug use was "shocking". He said: "Hindley, whilst being the worst, is far from alone. Our report on Lowdham Grange showed positive drug tests at 40 per cent; Woodhill, part of the long-term high-risk estate, 42 per cent. Some prisons, like Bedford, have given up even testing for drugs due to staff shortages." At Lindholme, 21 per cent of those tested reported having started drug use after being incarcerated.

He referred to the sophistication of drug smuggling operations, including using high-cost drones and either planting staff within the prison system or enticing existing staff to smuggle drugs in. "It is a very small number of corrupt staff involved, the overwhelming majority would never do it, but it only takes one person to bring chaos," he said. Taylor said that the lack of purposeful activity available to prisoners adds to temptation to take drugs. He criticised factors that cause prisoners to remain locked in their cells for much of the day, highlighting overcrowding, staff shortages, and trade union resistance to change – all of which, he said, result in "tens of thousands of those in

jail spending less than two hours out of their cells each day". He called on the Government to ensure that, whilst creating extra prison spaces, it builds sufficient training and education rooms, because if it doesn't, it will "fuel the demand for drugs and we will get trapped in the cycle of rising drug use, increased violence, and staff leaving because they do not feel safe". Taylor concluded by warning that releasing people back into society "having been penned in an overcrowded squalid prison and with an increased drug dependency will have consequences for us all".

Looking for PROOF? New Magazine Shining a Light on Our Broken Justice System

A new issue of the Justice Gap magazine PROOF 6 is out today shining a light on our broken criminal appeals system. PROOF issue 6 features a series of long read articles on a number of shocking and unresolved cases including the Birmingham Four, the Manchester 10, Oliver Campbell and Jason Moore. The issue features an interview with Andrew Malkinson by the Guardian's Emily Dugan. He talks about life since his conviction was quashed last summer. 'It's a tough time because there's so much uncertainty,' he said. 'I'm living in a tent, I'm living on benefits. I want some resolution.' PROOF #6 focuses on racism in the justice system – in particular, joint enterprise, the use of Drill music in our courts as evidence of gang membership as well as the racist origin story of majority verdicts – full contents below. Deborah Coles talks to Sam Dulieu about 40 years of INQUEST. David James Smith reflect on the legacy of the Jamie Bulger case three decades after his brutal killing. 'For those of us concerned about the efficacy of our criminal justice system, we are at a crucial moment – there's the ongoing Law Commission review of the criminal appeals system, plus two reviews of the miscarriage of justice watchdog in response to serial failures made in relation to Andrew Malkinson's wrongful conviction,' commented Barry Sheerman MP and Glyn Maddocks KC, co-directors of the Future Justice Project. 'We are grateful to Mr Malkinson for using his own traumatic experience in such a selfless way so as to shine a light on others trapped in a justice system that too often bends over backwards to ignore its own errors. If you want to understand their experience, we invite you to take a look at PROOF magazine.'

Wrongly Freed, and Left to Die

A prisoner released from prison "by mistake" after a paperwork error was found dead three days later on the streets of Reading. Jamie Andrews, 49, was serving a prison sentence but was also being held on remand in HMP Bristol for other offences. A preliminary Inquest heard that staff at the prison "opened the door and let him out" on 1 December 2022. A Ministry of Justice lawyer said the release was due to "an error in sending paperwork". Ian Wade KC, assistant coroner for Berkshire, said: "The evidence I have seen shows Jamie was literally let out of Bristol prison on December 1, 2022, three days before he died. The reality is he ought not to have been liberated on December 1. That is no criticism of Jamie. He didn't escape. They opened the door and let him out. But he is likely to have known he'd been freed inappropriately." A post mortem found Andrews died primarily from heart disease, and aof a number of mainly illegal drugs in his system. Michael Etienne, representing Andrews' children, said: "It appears to have been a police officer working within the prison's internal offence management unit who discovered Jamie had been wrongly released. Because Andrews was released by mistake, he was technically in state custody when he died. HMP Bristol has a history of problems, as highlighted in recent reports." Jack Murphy, for the MoJ, said there was no evidence of systemic prison failure and added that Andrews was not in custody when he died. He said: "There was an error, but the death occurred when he was not in prison with no evidence prison conditions had a direct link to the death." A jury will hear the full inquest.

Coroner Rules - Kingsmill Massacre an 'Overtly Sectarian Attack by IRA'

Nadeem Badshah, Guardian: Inquest delivers findings 48 years after 10 Protestant workers were shot dead when their minibus was ambushed in County Armagh. The shooting dead of 10 Protestant workers at Kingsmill in Northern Ireland in 1976 was an "overtly sectarian attack by the IRA", a coroner has ruled. Nearly eight years after the inquest opened, Brian Sherrard delivered his findings in Belfast on Friday 12th April into the Troubles killings in County Armagh.

The inquest heard the workers' minibus was ambushed outside the village of Kingsmill on their way home. Those onboard were asked their religion and the only Catholic was ordered to run away. The killers forced the 11 remaining men to line up outside the van before opening fire. Alan Black, who was shot a number of times, was the sole survivor. The shootings were claimed by a little-known republican paramilitary group, used as a front for the on-cessfire IRA. No one has ever been convicted. Sherrard said the "glaring omission" in the proceedings had been the absence of any evidence from those who caused the attack. He said: "Unlike other legacy inquests which have examined the actions of the state in directly causing death, those responsible for the deaths at Kingsmill have not given an account either personally or through any organisation or any political party. "Numerous calls to assist and provide answers were met with silence. "Accordingly the inquest did not receive disclosure from any individual concerned in the attack, nor their organisation, nor their political representatives although expert evidence was given that records may well exist." He said there had been no recognition from the perpetrators of the "utter wrongness" of the Kingsmill attack.

Decades after the shooting, police found a match between a palm print discovered on the suspected Kingsmill getaway vehicle and a suspect in the attack. One man was questioned by detectives in 2016 but not charged. Sherrard said Ireland's Garda Síochána was in possession of the palm print in 1976 but the police in Northern Ireland never asked for it. The coroner said if the suspect had been questioned in the immediate aftermath of the attack and confronted with the fingerprint link to the van, it might have helped progress the investigation.

Survivor Alan Black spoke to the media outside Laganside courts in Belfast after the conclusion of the inquest. He outlined various errors and omissions in the police investigation after the shooting, but said those should be viewed in the context of the time and there should be no attempt to shift the blame away from those responsible for the murders. He said there could be "little doubt" that the likely suspects were known to the security forces at the time.

In his conclusions, the coroner described the attack as "sophisticated and complex" and involving at least 12 IRA men. Sherrard also dismissed any suggestion that perpetrators were not pursued in order to protect an IRA informant, describing it as "unhelpful conspiracy theorising". Two individuals identified as suspects in the Kingsmill attack were later given "comfort letters" issued by the UK government to "on the run" republican suspects during the peace process. Sherrard said the "OTR letters" had not impeded the inquest as no firm evidence connecting the individuals to the shootings had ever emerged.

The attack at Kingsmill was claimed by a group calling itself the South Armagh Republican Action Force. Sherrard outlined extensive ballistics evidence to Belfast coroner's court linking the weapons used at Kingsmill to a series of attacks carried out by the IRA. He said the "unassailable" evidence showed that the guns fired at Kingsmill were the "exclusive property" of the IRA.

The families of a victim of the Kingsmill massacre and the only survivor said the inquest into the killings had not answered their questions and called for a public inquiry. John McConville died in the attack on 5 January 1976, while Black was seriously injured. A joint statement

from the McConville and Black families said: "At the start of the inquest eight years ago we were full of hope that the many difficult questions that have burdened us surrounding John's murder and that of his colleagues and the attempted murder of Alan Black would be answered. "However, as we progressed through the inquest our questions have not been answered and our concerns have grown." Speaking outside Belfast coroner's court, Black described the inquest as a "Band-Aid". He said: "I am so disappointed with this inquest."

Trapped Podcast on Imprisonment for Public Protection (IPP)

EDM (Early Day Motion) 600: tabled on 15 April 2024

This motion has been signed by John McDonnell plus 18 Members.

1) That this House praises the tireless work by campaigners fighting against the injustice of Imprisonment for Public Protection (IPP) sentences, which were abolished in 2012 but not retrospectively, and commends the Trapped podcast for shining a powerful spotlight on the ongoing scandal of these indefinite and potentially never-ending sentences;

2) agrees with the Lord Chancellor that IPP sentences are a stain on our justice system, and with the United Nations special rapporteur on torture that they have become cruel, inhuman and degrading punishment that could amount to psychological torture;

3) welcomes Government proposals to reduce the licence period post-release for people serving IPP sentences but believes these reforms do not go nearly far enough;

4) urges the Government and Opposition to commit to a bipartisan approach to resolving this miscarriage of justice conclusively by supporting the establishment of an expert panel to oversee a resentencing exercise for everyone serving an IPP sentence, as recommended by the Justice Select Committee;

5) calls on the leaderships of all political parties to listen to the first season of Trapped so as to understand better the importance and urgency of such a resentencing exercise;

6) and looks forward to the launch of the second season of this gripping, inspiring and heart-breaking podcast.

5,000 Closed Cases Under Review by CCRC to Identify New Forensic Opportunities

People convicted of murder or rape who have had their applications to the Criminal Cases Review Commission (CCRC) turned down could have their cases re-opened to allow new DNA testing, available as a result of developments in DNA techniques, to take place. The CCRC is analysing closed review cases involving murder or rape where the conviction was before the beginning of 2016, to pinpoint those where advances in DNA technology could now help identify an offender. The CCRC has identified almost 5,500 people who were convicted of murder or rape before 2016 and whose applications to the CCRC were turned down.

Most of those cases will not move into a second phase of the project because they are ones where the identity of the offender is not challenged, including cases in which someone convicted of murder argues the killing was in self-defence, or rape cases in which the person convicted argues that sex was consensual. Initial work, which started in August 2023, suggests that about a quarter of cases will move to the second phase of the project, with potentially several dozen ultimately being subject to new testing, although this number will become clearer as the project progresses. It is not certain that this project will result in any applications which have previously been turned down being referred to the Court of Appeal, and convictions potentially quashed.