Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' 1003 (15/05/2024) - Cost £1

UK Prisoner Jailed For 23 Months Killed Himself After Being Held For 17 Years

Shanti Das, Guardian: A senior coroner has condemned the "inhumane" and "indefensible" treatment of a man who killed himself 17 years into an indefinite prison sentence. Tom Osborne, the senior coroner for Milton Keynes, said Scott Rider had given up all hope of release before he took his own life at HMP Woodhill in June 2022. He had been serving an imprisonment for public protection (IPP) sentence after being convicted of grievous bodily harm in 2005. The sentence had a minimum term of 23 months but no end date. Days before he died, Rider told a prison worker that he had lost hope he would ever be freed. He said it was "disgusting" that he was still locked up, that his crime had not warranted a never-ending punishment, and that the IPP sentence had ruined his life. "He did things wrong and he deserved to be punished but he didn't deserve that," his sister, Michelle Mahon, said. Osborne, who led the investigation into Rider's death, has now written to the Ministry of Justice (MoJ) calling for a review of all prisoners serving IPP sentences.

The controversial punishment was introduced in 2005 and scrapped in 2012 after widespread criticism. But it was not abolished retrospectively and almost 3,000 people given IPPs remain in prison today. The sentences do not have an end date, with prisoners remaining in custody until they can prove they don't pose a risk. Many of those on IPPs were convicted for low-level crimes such as theft, including one person who has spent 12 years in prison after stealing a mobile phone. Even if IPP prisoners are released, they remain on licence with the threat of the sentence being reactivated at any time. In a prevention of future deaths report sent to the prisons minister, Edward Argar, Osborne warned that without urgent action more people could die. He said he had been told by the governor of Woodhill that she believed IPPs were "indefensible" and that she and her fellow governors would welcome an intervention. "One has to conclude that his treatment was inhumane and indefensible and that if action is not taken to review all prisoners sentenced to IPP then there is a risk of further deaths occurring," he wrote of Rider's case.

Rider's sister said that the sentence robbed her brother "of the chance to have a family and the chance to turn his life around". She said that growing up, her brother had been the "golden child" but that in his teens he began using drugs and racked up convictions for crimes, including theft and burglary. In 2003, Rider was jailed for assaulting their father. He was later released and, Mahon says, went on to clean his life up and find a girlfriend. But in 2005, while still on licence for the earlier offence, he was arrested again after assaulting a colleague and given an IPP sentence with a minimum tariff of 23 months. Mahon, a nurse from Durham from whom he was estranged, only found out he was serving an IPP sentence after he died. She said she had never heard of them before and was stunned that it meant the length of his punishment lay in the hands of a parole board rather than a judge. She is now campaigning for the cases of all IPP prisoners to be reviewed. "I do not condone what Scott has done. In 17 years, he committed 47 offences and was convicted of 22. But I think these sentences are inhumane and they need to be abolished. To get a 23-month sentence and serve 17 years… how can they justify it?" Mahon said. She said she felt her brother had been punished for disengaging with the system. Over his 17-and-a-half years behind bars, Rider transferred between prisons repeatedly; was abusive to staff; and had appeared depressed. In 2018, he was convicted of racially aggravated harassment of a prison officer. In May 2022 he told a prison worker that he felt Woodhill prison was "despicable" and that he was "going insane". He refused to engage with the parole process. By the time of his death in June 2022, he had been self-isolating in his cell for 200 days and had stopped showering. The inquest into Rider's death heard it was common for IPP prisoners to display "challenging behaviours" and that they often felt "trapped". Mahon said: "How can they justify rejecting parole just because on the day he's supposed to meet the parole board he's woken up in a bad mood and told them to eff off? That to me cries mental health… so why should he be kept in prison for that?"

Campaigners have described IPPs as a "death sentence by the back door". The rate of self-harm among IPP prisoners is more than twice that of the general prison population and there have been 90 self-inflicted deaths of prisoners on IPPs in custody since they were introduced in April 2005, according to the United Group for Reform of IPP. The figures do not include suicides in the community. One person still serving an IPP sentence, Wayne Gregory from Swansea, said the punishment had affected "every aspect of my life, physical and mental health and progression out of prison". Gregory was jailed in 2007 after admitting wounding and common assault and should have been in prison for under three years, but remains there today. Campaigners supporting him say he is "trapped in a cycle" of severe anxiety and self-harm. In one incident, Wayne wrote that "IPP killed me" on his cell wall in his own blood. In a letter detailing his situation, he said he wanted to be a voice for IPP prisoners and was optimistic things would change. "I won't be silent," he said.

The MoJ has so far resisted calls to review the cases of existing IPP prisoners. It said 185 IPP prisoners had been released in the year to March 2024 and that numbers had reduced by three-quarters since the sentences were scrapped in 2012. But a spokesperson said that retrospectively changing sentences posed a risk to public safety because it meant people who the parole board had deemed unsafe for release, "many of whom have committed serious violent or sexual offences, would leave prison without probation supervision and support". It must respond to the coroner's report by 23 May.

Richard Garside, the director of the Centre for Crime and Justice Studies, said there was no reason why post-release supervision and support could not be written into legislation for people on IPPs. He said it was certainly the case that some had committed serious crimes but this did not mean it was OK "that they are languishing in prison years after the tariff". Lord Blunkett, who introduced IPPs while home secretary in Tony Blair's government, has also called for reform. In 2021, a year before Rider's suicide, he told the Lords: "I got it wrong. The government now have the chance to get it right."

Robert Brown – an Appreciation by MOJO

Three days short of his 67th birthday, Robert has died in a Glasgow hospital, after a short illness. Relentlessly active in a lifelong struggle against injustice, its causes and its effects, Robert's was a clear, resounding voice that rose above the chorus. It demanded respect, because it came from his own lived experience. It came from the dehumanising and brutal abuse that he suffered, with remarkable forbearance, for the 25 years that he was, in his own words, "buried alive". It came from the lasting trauma that endured from the day of his wrongful conviction until the hour of his passing. Like so many who have suffered injustice at the hand of the state, release from prison was a matter of geography only. He was never actually free. The ter-

rible reality of his experience was itself a prison from which there was to be no release.

Robert was 19 when convicted of a murder that he didn't commit, framed by police whose grotesque corruption is now a matter of record, and let down by a justice system that failed, utterly, to deliver justice. These factors are not unique to our Robert, but his was, nevertheless, a case apart. Encouraged to seek parole 13 years into his life sentence, he refused to do so. His reasoning was simple; release on licence, with its attendant obligation, and subjugation, to the very system that had framed him, would be tantamount to an admission of guilt. Robert was only coming out on his exoneration, or on his death. In the event, he served a total of 25 years, until his conviction was finally quashed by the Court of Appeal. For the "extra" 12 years the prison authorities, to mark their displeasure at his defiance, removed his bed and bedding from his cell. Robert slept on the bare concrete floor, covered by a coat. When he finally came out, and until the day he died, he demanded, for himself, only an apology for the harms done to him, and the official restoration of his innocence. In these modest aspirations he was, of course, frustrated. And for the rest of his days he slept on the floor.

There's a stark contrast here. Between the integrity of the individual, alone against the might of the machine that vilified, abused and stigmatized him, and yet prepared to endure many extra years of Hell on a point of simple principle, as against that of those who dishonestly condemned him. Robert Brown was a courageous and principled man. The other lot? I leave that to you. Robert lived, and died, the defiant but unredeemed victim of a legal and political establishment that cared as little for truth or justice as it did for his humanity. He cried out for justice; they did not listen.

Robert came to MOJO (Miscarriages Of Justice Organisation) shortly after his release from prison, and through his friendship with Paddy Hill, whom he had met inside. He never left us. We will remember him with love, and as much more than a MOJO service user. He was our family, as we were his. He engaged in many ways with the work Paddy had started here. The experience of dozens of our student volunteers has been enriched by his spontaneous and unscripted lectures on the true nature of the criminal justice system that those same students will soon inherit. For Robert, the issues were simple. Our criminal justice system – investigation, prosecution, defence and appeal – needs fundamental reform, to prevent others from experiencing the injustice and the suffering so long endured by him. Fate bestowed on him a role he hadn't sought: the embodiment of the catastrophic failure of the system at every level, and of the destructive force of that failure. He played that role with great humility, and to powerful effect. His views were constantly sought by, and enthusiastically delivered to, print, digital and broadcast media. He spoke eloquently at many conferences, where his simple authenticity lent enormous force to his words. He spoke at universities, and even at parliaments. Wherever he spoke, his audience listened. With Robert's passing, the voice of the innocent is neither as loud, nor as articulate today. The stridency and the passion of Robert's contribution are a huge loss to the conversation we need to be having. They may never be replaced.

Prisoners With Cancer in England More Likely to Die of It Than Other Patients

Anna Bawden, Guardian: A study has calculated that compared with cancer patients in the general population, patients in English prisons are 28% less likely to receive treatment for cancer, particularly surgery to remove tumours, and have a 9% increased risk of death – half of which is due to treatment differences. It is believed to be the first study of cancer incidence, treatment and survival in an entire national prison population. Researchers at King's College London, the University of Surrey and University College London analysed cancer data from the National Disease Registration Service for patients between 2012 and 2017. They compared diagnosis,

treatment and survival rates of 847 cancer patients in English prisons with 4,165 similar patients in the general population of the same age, sex, cancer type and stage. They also interviewed inmates with cancer, prison staff and healthcare professionals.

The study, published as three linked papers by the Lancet Oncology and eClinicalMedicine, found that only 27% of cancer patients in jail were diagnosed following an urgent two-week referral, compared with 37% among the general population cohort. They were also three times less likely to be diagnosed via screening. Once cancer was confirmed, one- and five-year survival rates were lower for those in prison, largely due to differences in treatment. Compared with cancer patients in the general population, 28% fewer prisoners had surgery, 21% fewer received radiotherapy and 20% fewer received systemic treatments such as chemotherapy or hormonal therapy. The study identified a number of barriers to both diagnosis and treatment for patients in jail. These included lower health literacy, a complex process to see a GP and being late or missing hospital appointments due to prison staff shortages.

It was also harder for prisoners to follow the advice of their oncologist when managing and reporting any side-effects of treatment, as they could not communicate directly with their consultants from prison, the research found. The lead researcher, Dr Elizabeth Davies, a clinical reader in cancer and public health at King's College London, said: "People in prison with cancer have so far been a hidden and under-researched population. They should not be impacted by such health inequalities and should receive the same standard of care as they would in the community."

Responding to the findings, Dr Miranda Davies, a senior fellow at the Nuffield Trust, said: "Starting treatment for cancer early is so important, so these findings showing that prisoners are less likely to receive treatments such as tumour removals than cancer patients in the general population are shocking. Unfortunately, these findings only represent part of a broken system where the healthcare needs of prisoners are systematically and regularly not being met. Prisoners should have the same right and access to healthcare services as everyone else, but this basic premise is far from reality."

A government spokesperson said: "People in prison should receive the same standard and range of healthcare services as they would in the community, including cancer treatment. NHS England has developed a framework to reduce healthcare inequalities at both a national and system level, including for those in contact with the criminal justice system. We will continue to work to improve care pathways for offenders to access healthcare."

An NHS spokesperson, said: "The NHS is committed to ensuring that anyone in prison diagnosed with cancer receives prompt and effective treatment in line with community provision and we are continuing to work with partner organisations on ways to make it easier for people within secure and detained environments to access cancer and other healthcare services."

Unlawful Killing Conclusion at Inquest into Self-Inflicted Death at HMP Woodhill

INQUEST: Robert Fenlon, 36, died a self-inflicted death whilst on remand at Woodhill prison on 5 March 2016. Now an inquest jury has concluded that the reprehensible failures by two senior prison officers involved amounted to unlawful killing by gross negligence manslaughter. At the time of Robert's death, Woodhill prison had the highest number of self-inflicted deaths of any prison in the country. Robert was the second of seven men to take their own lives in the prison in 2016, and one of 28 since 2013.*

This is the first time an inquest has found that a self-inflicted death in detention amounted to unlawful killing, according to INQUEST's data. The jury found that Senior Officer (SO) Dyson and SO Cushion's conduct was so exceptionally bad as to amount to a criminal failure. The jury also con-

cluded that Robert's death was contributed to by neglect (meaning a gross failure to provide Robert with basic care and attention). The jury also concluded that there was a serious failure by the prison to implement previous recommendations made after the earlier deaths at Woodhill, and that this serious failure contributed to Robert's death. In the 48 hours prior to his death, Robert had attempted to hang himself and separately had been found with a ligature tied up.

Robert was from Northampton. His family describe him as big hearted, someone who would help anyone. His daughter remembers his love of books and history. Robert had a long history of substance misuse and mental ill-health. On 15 October 2015, he was remanded to HMP Woodhill. In February 2016, Robert passed a note under his cell door saying he was in total despair and contemplating suicide. Subsequently, a safety plan for prisoners at risk of suicide or self-harm (known as an ACCT) was put in place. Over the following week, Robert's mental health deteriorated. He became distressed, extremely paranoid, delusional, and afraid that other prisoners might harm him. No referral was made to the mental health team, a failing that was described as serious by multiple witnesses at the inquest. On 3 March 2016, officers found Robert ligatured in his cell. There was a conflict in the evidence heard at the inquest about whether a required review of the ACCT took place. SO Dyson insisted that a review took place in the cell soon after Robert was found, and that two members of healthcare attended and participated.

The healthcare staff flatly denied that any review took place, and the healthcare assistant told the jury that SO Dyson had sought to blame her for his own serious failings. The jury found that SO Dyson had lied: no ACCT review took place and the review document had been fabricated. Witnesses at the inquest accepted that Robert should have been put under constant supervision. Instead, his risk was marked as 'raised' and his observations set to two per hour. SO Dyson accepted he did not even read the ACCT and that his approach was fundamentally flawed and woefully inadequate. The next day, an officer again found Robert with a ligature tied up in his cell. The Senior Officer on duty – SO Cushion – finished his lunch before returning to the wing to see Robert. He told the inquest he did not conduct the necessary case review but had "a chat" with Robert instead. SO Cushion did not read the ACCT but was aware of the attempted hanging the previous day. SO Cushion took none of the steps required by the ACCT, he recorded no change to Robert's risk, and he took no further action to keep Robert safe. He accepted in evidence that these were very serious failures. In the morning of 5 March 2016, officers found Robert unresponsive and ligatured in his cell. He was taken to hospital where he later died.

The jury concluded that Robert died by unlawful killing contributed to by neglect. They found that the following failures and inadequacies contributed to Robert's death: Failures to follows ACCT procedures, including at two earlier ACCT reviews; An inadequate system to assign ACCT case managers; Staff were inadequately trained in ACCT and conducting risk assessment; None of the 43 recommendations made following previous deaths at Woodhill had been implemented by the time of Robert's death in March 2016.

Robert's family said: "We are very grateful to the Coroner and the jury for their care and attention, and to our legal team for their dedication and support over the last 8 years. We have waited a very long time to get justice for Robert. We knew from the outset that he was badly failed but we weren't prepared for just how badly and how many people failed in their duty. Nor did we expect officers to lie, to cover up their wrongdoing and blame others. We are disappointed that the prison service tried to prevent the jury from expressing their view about unlawful killing despite the compelling evidence. It demonstrates the same closed thinking that prevented them from learning from those who died before Robert. This is an opportunity for the Prison Service to carry out some serious reflection and change their approach. We hope, for us and for other bereaved families, that they take that chance."

Selen Cavcav, caseworker at INQUEST, said: "We have been saying for years that state neglect and failure to learn lessons kills. This jury conclusion finally recognises this in the strongest possible terms. It was nothing short of criminal that so many vulnerable people in Woodhill were allowed to die preventable deaths. Today we think of all 28 of the people who have died in this prison since 2013, and their families who have fought for justice and change. We know that the problems are not confined to HMP Woodhill. Our overcrowded, understaffed and squalid prisons are not working in cutting down crime and reducing re-offending. Instead of going ahead and building more prison spaces, the focus needs to be on diverting people away from custody and investing in community alternatives."

Jo Eggleton, of Deighton Pierce Glynn, who represents Robert's family, said: "Robert's daughter alongside her mother has fought tirelessly for 8 years to uncover the truth about her dad's death. This conclusion shows why she was right to do so. The jury's findings could not be more serious: it reflects the appalling way Robert was repeatedly failed by senior prison officers at a time when staff were well aware of the high number of self-inflicted deaths at Woodhill. Those running the prison were on notice of the repeated failings and should have taken urgent steps to stop this from happening. Although Robert died 8 years ago, HMIP's Urgent Notification issued last year after finding Woodhill unsafe, suggests that many of the issues raised during this inquest are still ongoing today."

'Heavily Lifting' in 'Gang' Prosecutions Against Young Black Men

Bradley Young, Justice Gap: Police and prosecutors were relying on rap lyrics and videos in court to do the 'heavily lifting' in 'gang' prosecutions against young black men and boys for crimes in which many played 'no significant role', according to a new review which also highlights the misuse of joint enterprise. A new study (Compound Injustice) drew on 68 cases involving over 250 defendants, all of whom had rap evidence used against them in serious charges of violence. It found that more than eight out of 10 defendants (84%) were from minority ethnic backgrounds with 66% being Black and nearly two-thirds (63%) linked to a 'gang narrative' by the prosecution.

More than half of the cases were identified as 'joint enterprise' prosecutions with an average of almost five defendants in each case (4.7). The researchers point out that this is 'notably higher' than an average suggested in a recent CPS pilot study (3.1). 'These are highly concerning findings that support the view that the marshalling of rap evidence in criminal cases encourages police and prosecutors to further increase the number of people charged as secondaries under already-egregious joint enterprise secondary liability rules,' the authors argue. Fifteen percent of the defendants were children, while 67% were young people aged 18 to 24. Almost nine out of ten children in the dataset (88%) faced murder charges, often in controversial joint enterprise prosecutions, where multiple individuals are charged for a single crime, even if actual involvement is comparatively minimal.

One notably troubling case involved 12 individuals, all black and mixed race, charged with murder despite only one principal suspect. During the trial, prosecutors constructed a gang narrative, citing a single rap video as evidence of a collective gang membership, motivation, and intention to commit serious harm. None of the 12 on trial rapped in the video, nor had any role in producing it. 'This case, along with illustrating the kind of tenuous ways that prejudicial rap "evidence" can be used, crystallises case features from our dataset of rap cases: young, black, male defendants, including children, in large group prosecutions facing the most serious charges in an allegedly "gang related" joint enterprise case,' the review said.

The report's authors – Eithne Quinn and Erica Kane of Manchester University and Guardian

journalist Will Pritchard – said that the findings were 'deeply troubling, and support the view that the marshalling of rap evidence in criminal cases encourages police and prosecutors to further increase the number of people charged as secondaries under already-egregious secondary liability laws'. The authors quote sociologists Patrick Williams and Becky Clarke who identify rap's evidential role as 'a dubious 'gang' signifier' used in joint enterprise cases and that it can do the 'heavy lifting in racialised courtroom deliberation'. These findings as a new campaign called Art Not Evidence supported by MPs, lawyers and academics highlights the troubling trend in criminal justice of interpreting creative expression as evidence of criminal behaviour.

White Suspects' Charge Rate of 70% Compares to 81% for 'Mixed Heritage' Suspects

Jon Robins, Justice Gap: White suspects had a charge rate of 70% compared to 81% for 'mixed heritage' suspects, according to 'alarming' new statistics revealed in a parliamentary debate in which the government repeatedly denied that people were treated differently on the basis of race in the justice system. Lord Tony Woodley, a Labour peer and member of the All-Party Parliamentary Group on Miscarriages of Justice, tabled the debate and challenged a claim by the justice minister, Lord Christopher Bellamy that 'race plays no part in individual charging decisions'. Lord Woodley pointed to a report from the Crown Prosecution Service published last year which 'found evidence of disproportionality in relation to ethnicity in the outcomes of our decision-making' and that 'ethnic minority defendants are significantly more likely to be charged for a comparable offence than White British defendants'. 'Can the Minister explain why?'he asked.

Lord Roborough otherwise known as Massey John Henry Lopes, a hereditary peer and fourth Baron of Roborough, answered on behalf of the government. He replied by reference to the David Lammy's 2017 review of race and the criminal justice system which, in his words, 'found no issues with the outcomes of CPS charging decisions'. 'As we all know, individuals commit crimes, and it is up to us to ensure that they are treated fairly and equally,' Lord Roborough said. He revealed that the CPS was to undertake further research to 'provide a deeper understanding of this issue and to find solutions as to how best the system can address it'.

The Lib Dem peer Baroness Meral Hussain-Ece pointed out that knowledge of disparity and bias was 'not new' and the CPs and MoJ already had 'extensive data'. 'I find it very disappointing for the Minister to say that we do not why this is still happening. We know that black defendants spend an average of 70% longer in prison awaiting trial and sentencing than their white counterparts—the Government's own data shows this—and we know that black and Asian people in prison are more likely to be serving longer sentences than other groups. Do not these shocking figures really lay bare how racism and injustice is hardwired into the criminal justice system?'

Lord Roborough replied by saying that he 'did not accept' the Baroness's comments that individuals were 'necessarily being treated differently'. 'However, the research did find an issue, and the CPS is taking several steps to ensure that this work is both credible and robust,' he answered. The Eton-educated peer pointed out that CPS itself demonstrated 'a remarkable ethnically diverse workforce' acknowledging that did not 'answer my noble friend's question precisely'.

The human rights lawyer, Baroness Shami Chakrabarti followed that assertion, by asking: 'Does the Minister agree that my liking for "The Godfather" movies makes me no more or less likely to be a member of the mafia? If I am right about that, why are young black British men being prosecuted for serious violent offences in reliance of evidence of their liking for rap and drill music?'

Lord Roborough said that the government did 'not accept that they are more likely to be prosecuted…. The raw data suggests that they are being charged more aggressively than

the white majority, but we do not understand the factors behind that.' He said that the CPS was 'mindful that labels such as "gang" can lead to discrimination by racially stereotyping defendants'. 'That is why prosecution guidance on gang-related offending is clear that prosecutors should not refer to gangs unless there is clear evidence to support the assertion,' he added. The peer was further challenged by the Lib Dem Peer Lord Paul Scriven that he been presented with evidence of racism in the criminal justice 'three times' but each time insisted that there was no difference in the way people were treated on the basis of their race. 'Can he furnish the House with the evidence base that allows him to say that with such certainty?'

Lord Roborough replied: 'My Lords, while we accept that the research from the University of Leeds, which covered 195,000 cases between January 2018 and December 2021, found that white British suspects had the lowest charge rate of 69.9%, and mixed-heritage suspects had a charge rate of between 77.3% and 81.3%, the statistics are alarming, which is why the CPS has responded by conducting this independent review on a timescale which I hope will please the House, reporting by the end of 2024.

Judiciary Makes Bail Hearings Remote by Default

Monidipa Fouzder, Law Gazette: Remote hearings will be the default position for bail applications in a bid to hear cases quicker and free up judges' time, the Gazette has learned. The judiciary's better case management revival handbook now states that mentions, bail applications where the defendant is attending by prison video-link, ground rules hearings, custody time limit extensions, uncontested POCAs and hearings involving short legal argument only will generally be suitable for advocates to attend remotely unless the court orders otherwise.

Lord chancellor Alex Chalk welcomed the operational change, which came into force on Tuesday 30th April. He said: 'This government has transformed the use of technology in the justice system and the announcement today will save judges and lawyers valuable time, as well as processing more bail hearings. This will get more victims the justice they deserve, and more offenders pay for their crimes.' The Ministry of Justice said bail and remand decisions are a matter for the judiciary and the changes do not alter who is or is not eligible for bail, or in what circumstances they can submit a bail application.

MoJ Rejects More Than 90% of Compensation Claims From Wrongly Convicted

Jon Robins, Jistice Gap: Less than 7% of applications for compensation by victims of miscarriages of justice have been successful in the last eight years following a change in the law by the Coalition government effectively cutting off payouts introduced ten years ago. New statistics from the Ministry of Justice of revealed just 39 applications made under the 'section 133' scheme were between April 2016 and March 2024 from a total total number of 591 applications. The MoJ awarded 35 claimants £2.4m over that period – a fraction of the more then £81 million paid out between 1999 and 2007 when there were 306 successful applicants.

As reported by the Justice Gap, the victims of miscarriages of justice are now expected to be able to prove their innocence 'beyond reasonable doubt' as a result of the 2014 law change that stopped compensation pay-outs in almost all cases. In 2006, the New Labour government axed the old ex gratia scheme under which those payouts had been made leaving just the statutory scheme under thee Criminal Justice Act, section 133. The Coalition government further undermined the far less generous 'section 133' arrangements with its 2014 legislation which restricted payouts to those people who could demonstrate their innocence 'beyond reasonable doubt'. In the latest issue of PROOF, Matt Foot, the co-director of APPEAL, argued that the 2014 test was 'an affront to victims of miscar-

riages of justice and to the presumption of innocence and should be abolished'. As part of its response to the Law Commission's ongoing review of criminal appeals, APPEAL has recommended the creation of an independent body to determine whether applicants are eligible for compensation. 'Victims of miscarriage of justice on release from prison should receive an immediate interim package of support to allow them to rehabilitate into the community,' Foot writes. 'They should be provided therapeutic care to help deal with the long-term impact of their incarceration.' The solicitor is representing Sam Hallam who was denied compensation after having his conviction overturned in 2012. In July last year his compensation case was heard by the Grand Chamber of the European Court of Human Rights along with Victor Nealon. 'The question they are dealing with is a simple one,' Foot writes for PROOF. 'Does the new test for compensation offend the presumption of innocence? Hopefully the Court will confirm that the provision of compensation only to those who can prove beyond all reasonable doubt their innocence is incompatible with Article 6 of the European Convention.'

Prisoner Refused Access to His Son for Over 10 Years

Jon Robins, Justice Gap: After 12 years in prison on an indeterminate IPP sentence, a father has been reunited with his 14-year-old son. Thomas White received an IPP sentence with a two-year minimum tariff in 2012 for stealing a mobile phone, he has been languishing in prison ever since despite the discredited sentence being abolished four months after he was sentenced and repeatedly refused access to his son for more than a decade. An intervention from the architect of the the discredited sentence, Lord David Blunkett has now enabled White to meet his son, Kayden.

The former home secretary Lord David Blunkett has repeatedly acknowledged the 'disaster' of IPPs (see here), most recently this week when he said it was his 'biggest regret'. According to recent government data, there are 2,796 IPPs in prison; 1,179 never released including 705 who, like White, are 10 or more years beyond the original sentence. Lord Blunkett met with Kayden and Clara, Thomas White's sister in the House of Lords last month and promised his support to help make a reunion happen. That meeting has now happened. White had consistently been denied access with the prison citing concerns about White's mental health. His family describes the sentence as 'psychological torture' and White has recently had his diagnosis shifted from schizophrenia to paranoid schizophrenia with an independent assessment finding that the indeterminate sentence was the likely cause of the condition.

'Today is a day my family never thought would come. Thomas and Kayden have finally been allowed to see each other after all these years. There was not a dry eye in the room,' White's mother, Margaret said. 'We are over the moon that Thomas and Kayden can start to build a normal father-son relationship, but our fight for justice has to continue. My son remains locked up in prison alongside nearly 3,000 other IPP prisoners who are being psychologically tortured by a sentence that was supposedly abolished 12 years ago. I feel like I'm watching a slow suicide and I pray that authorities can please help before it's too late.'

White has served in 16 prisons across the country and is more than 10 years over his tariff. All his bids for parole have been denied. According to the campaign, he is being held in prison in a 'permanently sedated state'. UNGRIPP report at least 90 IPP prisoners have taken their own lives in prison to date, with the number feared much higher due to the complexities of measuring deaths in the community. Thomas' family are calling for his transfer to a psychiatric hospital where he can access appropriate mental health treatment. They are supported by Lord Blunkett and James Daly MP for Bury North. Two hospitals in the Greater Manchester area have rejected a bed for Thomas in the last 6 months despite his worsening mental health.

Pause Announced in Plans to Build More Prison Spaces for Women

Holly Greenwood, Justice Gap: The prison watchdog has told MPs they are putting plans on hold to build more prison spaces for women. This decision is reportedly due to 'fiscal challenges' arising from 'high levels of inflation,' which means taking the 'responsible approach' to pausing plans to build whilst considering the impact of these pressures. The plans had sought to increase prison space by developing Gender-Specific and Trauma-Informed (GSTI) prison accommodation for women. In the letter, the HM Prison and Probation Service assures of a continued commitment to rolling out the GSTI programme. It details progress made so far in securing planning approval for three of the five planned sites, and expresses hope this will stand them in 'good stead' to recommence the building of such accommodation in future. In discussing the decision, the letter also references the wider goal in the Female Offender Strategy and Delivery Plan to make use of 'robust community sentences' as an alternative to custody and to ensure that less women are sent to prison to serve short sentences of 12-months or less.

Campaigners who have long called for the government to rethink its approach to the imprisonment of female offenders may hope this signals a positive change in approach towards dealing with women's offending. However, in responding to the announcement, commentator Rob Allen suggests this 'looks like a case of doing the right thing for the wrong reason,' pointing to the letter's commitment to 'exploring solutions' that will 'deliver better outcomes for the taxpayer.' This latest announcement comes in the context of several recent controversies surrounding the imprisonment of women and girls. In October last year, the Justice Gap reported on research from the Prison Reform Trust, which showed that over half the women who were given custodial sentences in 2022 were given 'pointless short sentences' of less than six months. Concern was also raised in November of last year that there had been a 'stark increase' in self-harm among young female prisoners as revealed by research from the Agenda Alliance and the Alliance for Youth Justice. More recently, the Justice Gap reported the findings of an inspection into HMYOI Wetherby, which found not only high levels of self-harm amongst the female prison population, but also detailed an incident where a female prisoner had been forcibly strip-searched by male officers.

'Lewis Skelton's Family Wins Police Watchdog Battle

Richard Madden, BBC News: The police watchdog must re-review its decision not to hold a new investigation into the death of a man who was shot by police, a high court judge has said. Lewis Skelton, 31, was carrying an axe when he was shot twice in a Hull street after he failed to respond to police instructions. The Independent Office of Police Conduct (IOPC) concluded a new investigation was not necessary despite an inquest ruling Mr Skelton was unlawfully killed. Following the High Court ruling, external, the IOPC said it will now "carefully consider the judge's comments" before determining the next steps.

Mr Skelton was tasered four times and shot twice in the back by police on 29 November 2016. He later died in hospital. Former police watchdog the Independent Police Complaints Commission (IPCC) investigated the shooting but took no further action against the officer who fired the fatal shots. In 2021, an inquest ruled Mr Skelton, who had mental health issues, had been unlawfully killed. The watchdog, which had been renamed as the IOPC, decided not to reinvestigate the shooting despite flaws in the initial review. However, legal representatives for Mr Skelton's family said the IOPC review had been "working on the basis that Mr Skelton posed a greater threat than was justified". In her ruling, Mrs Justice Hill said: "It must follow that if the

flaws had not occurred, the decisions taken in the investigation might have been different. "The defendant recognised that if the flaws had not been made, the investigator might have identified realistic alternative options other than the use of force. This effectively confirms that the flaws in the original investigation might have had an impact on the subsequent decisions."

In a statement, Mr Skelton's family said: "It is now seven-and-a-half years since Lewis was shot dead, there has still been no acceptance from Humberside Police, the officer, or the IOPC that anything really went wrong that day. All we have faced is constant denial and challenges at every stage and attempts to make us give up and go away. We have called for a proper investigation from the start – a chance for us to see justice for Lewis – and we've been ignored."

The IOPC described Mr Skelton's death as a "tragedy" which had a "profound impact" on his family, friends and wider community. Emily Berry, regional director, said: "We will now carefully consider the judge's comments before determining our next steps. "We would once again like to extend our sympathies to all those affected by these tragic events."

Arrests After Protesters Thwart Asylum Seekers' Coach Transfer

Jess Warren/Chris Slegg, BBC News: Forty five people have been arrested after protesters and police clashed during a protest in south London over the planned transfer of asylum seekers to the Bibby Stockholm barge in Dorset. Activists surrounded a coach at a hotel in Peckham at about 08:40 BST. At about 15:00 it was driven away from the hotel seemingly without passengers. It comes as 711 people were detected crossing the English Channel in small boats on Wednesday, the highest number on a single day so far this year. The Met Police has said that during the protest, some of its officers reported being assaulted. The arrests were for offences including obstruction of the highway, obstructing police and assault on police. One arrest was made for a racially aggravated public order offence but this person was not part of the protest group, the Met said.

A Home Office spokesperson described the protesters' behaviour as "intimidatory and aggressive". They said: "As part of our commitment to significantly reducing the use of hotels, asylum seekers are being moved into alternative accommodation to reduce costs on the taxpayer. Accommodation is allocated to asylum seekers on a no-choice basis." The spokesperson said: "Asylum seekers can make representations if they believe they are unsuitable to be moved to the Bibby Stockholm. These are considered in full before any decision is made."

Many of the protesters were sitting in the road, chanting. They said that Bibby Stockholm was not a suitable place to house asylum seekers, and those due to be taken there had built relations in the community in Peckham and did not want to be moved. The Home Office abandoned plans to move a group of asylum seekers to the Bibby barge in the wake of protests in Margate last week. Home Secretary James Cleverly said in a post on X: "Housing migrants in hotels costs the British taxpayer millions of pounds every day. "We will not allow this small group of students, posing for social media, to deter us from doing what is right for the British a crowd of some 150 people remained at the scene, with chants of "We shall not be moved" ringing out. "This is what community looks like," and "No borders, no nations, stop deportations," were among other chants made by those gathered. At one point, eight police vehicles were parked at the scene, as well as three riots vans. The road was closed to traffic in both directions.public."

Police spokesperson, Ade Adelekan said "My officers were quickly on scene and have engaged with the protesters at length." He added: "We will always respect the right to peaceful protest but we have been clear that where there is serious disruption and criminality then we will take decisive action. "It saddens me greatly to say that a number of officers have been assaulted in the course of their duty following an incident in Peckham today where they sought to uphold the law."

Seventh Inmate Dies in Two Months at Troubled Welsh Prison

Samantha Dulieu, Justice Gap: A seventh inmate has died in a two month period at a Welsh Prison. HMP Parc, near Bridgend, has seen a drastic increase in deaths of prisoners, with the latest due to be investigated by the prisons ombudsman. 47 year old Wayne Hay died at the prison on Tuesday As previously reported by Justice Gap: John Rose and Jason Hussey both died at HMP Parc on 27th February. Christopher Stokes died on 9th March, Justin Lewis on 16th March, Shay Andrews on 18th March and Cameron Anthony on 19th March. Last month South Wales police said four of the previous deaths were drug-related, and identified that spice (a synthetic opioid called Nitazene) was involved.

In a statement released in March the prisons and probation ombudsman, Adrian Usher, said: 'Over the last few days, we confirmed that six deaths have occurred at HMP Parc in just under one month. I am saddened by this high number, and I offer my deepest condolences to those affected. Yesterday, we said that we are not making any assumptions as to whether there is a link between these deaths – however, after initial inquiries, we now believe at least four out of the six deaths are drug-related. These deaths likely involve spice, mixed with another family of drugs. There has been a national public health warning issued about this particular drug, the name of which is yet to be determined, but we believe that at least two of the deceased at HMP Parc had taken this substance. It is therefore likely the deaths are all spice-related. He urged all prisoners in possession of spice to dispose of it immediately. He added that they 'do not want to see any more unnecessary deaths occur.'

Last week a prisoner at the same jail was taken to hospital after being attacked by another inmate. The prisoner's mother said: 'I am disgusted and worried sick not just for my own son but for others too. I think my son is in a vulnerable position and I don't trust prison staff [to protect him].' A spokesman for the private company that runs HMP Parc, G4S, told WalesOnline: 'Following a brief incident on April 28 a prisoner received non-urgent hospital treatment for a minor injury the next day. Two prisoners were placed on report.' The most recent inspection of the prison noted that staff were struggling to stem the flow of drugs into the estate, with almost half inmates telling inspectors it was easy to find illegal drugs. The report also found 64% of inmates reported having a mental health problem but only 13% said they were getting support for it.

'Wild West' for Personal Data Undermines UK Human Rights

Basic legal rights are being undermined by public authorities in the UK, by failing to disclose what personal data they hold on individuals, including victims of human trafficking and the Windrush scandal, openDemocracy can reveal. People requesting copies of their private information, such as police or immigration records, have faced long delays or had their requests ignored entirely. Others have been given folders with key documents missing. This is having a knock-on effect in the justice system, with lawyers telling openDemocracy that asylum applications and claims for false imprisonment have been put on hold due to the delays. Victims of the Windrush Scandal have also struggled to obtain copies of their immigration papers in order to claim compensation. The UK's data protection laws allow individuals to request a copy of any of their personal data that is held by an organisation. These applications, known as Subject Access Requests (SARs), have become a vital tool for collecting evidence in legal cases, as well as helping to hold authorities to account. 'Wild West' Individuals affected have almost no way to challenge their case. This has created a 'wild west' of personal data, in which public organisations are effectively free to flout the law. But a year-long investigation by openDemocracy has found that public authorities – including police forces and government departments – are routinely missing statutory response deadlines.