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Good Morrow, Fellow Prisoners

After sixteen years, almost to the day, I have, at long last, finally been transferred to Category D, open conditions, at HMP Standford Hill. I attended the Parole Board Hearing in October 2023, denied immediate release, but received the "stamp" from the new Justice Secretary in February 2024. I was moved to HMP Standford Hill last month, where I have a charity—based job to start assisting and supporting fellow IPPs and other prisoners in acquiring resettlement and employment. Evidently, it takes a minimum of 12 weeks to get "Boarded," where I can begin the "working out scheme" and start "Town visits" and ROTLs with my long-suffering family thereafter.

Meanwhile, I am still determined to overturn this egregious and disgraceful miscarriage of justice and will seek every avenue of legal redress possible to make sure this happens. I am particularly interested and intrigued by the outcome of the internal Chris Henley KC report into the Andrew Malkinson rape case exoneration, and especially the esteemed APPEAL solicitors who have called for the CCRC to conduct a review of not only cases of rape and murder but also those that have burning issues about "police files", flawed"identifications, violence, other sexual cases, burglary and robbery" cases. For the record, I have previously written to Chris Henley KC's internal CCRC inquiry and, indeed, the Andrew Malkinson Inquiry by HHJ Sarah Monroe KC, where I urged them to include my grotesque injustice in those inquiries as the CCRC has been sitting on cogent evidence that would absolve me of all bogus police allegations but as always it was rejected as my case did not meet their terms of reference.

We hope that now that the CCRC has been caught with its hands firmly around the windpipe of justice and fairness, it is high time for them to go. Otherwise, how can the CCRC ever be trusted with our deeply flawed MOJ cases again? Before I left HMP Warren Hill, I researched and composed the article "The Prison Sentence from Hell" regarding IPP sentences.

Strength and Honour, as Always, to all the MOJ lads.

Terence G. M. Smith, A8672AQ, HMP Standford Hill, Church Road, Kent, ME12 4AA.

Murder of My Son Stephen Lawrence I Can Forgive His Killers – But Not the Met

Stephen Lawrence, Guardian: I cannot forget how badly my family was treated. I live each day with the toll this has taken. It is now 31 years since the death of my son Stephen. Thirty-one years during which I have witnessed countless young people being knifed and shot on Britain's streets, and seen the devastation that has been wrought on the families of those sons and daughters murdered in their youth. While my story will resonate with others whose lives have been changed irrevocably, and whose grief has no ending, each story is unique. Mine has been shaped not only by Stephen's brutal and untimely death, but by the long fight for justice and to expose the failings of the Metropolitan police. It has also been shaped by the institutional racism identified in the Macpherson report (1999) – and by the enduring disbelief that complete strangers could attack and kill my son for no reason other than their hatred of black people.

From the outset, it was evident that the police were less interested in identifying my son's killers and securing a conviction than they were in positioning Stephen and his friend as potential criminals. In April 1993 my life was changed for ever. My eventual decision to relocate to Jamaica for most of the year was driven by the pain of loss and by feeling unable to freely walk the streets of the city where my son was slaughtered. I wanted to be near where Stephen is buried, and hoped that a return to the country of my birth would afford me some solace. In making that decision I left behind treasured friends and family. I inevitably worry about the safety of my children and grandchildren, and in the early days before I relocated I feared for my own life, having faced death threats and having had to move out from my home.

I find no real joy in life, and will not do so until justice for Stephen has been achieved. I am weary from the constant struggle to secure such justice. Despite the kindness of friends, my life is empty and lonely. I am apart from my family and I miss them. You do not "get over" the death of a treasured child. When that death cannot even be rationalised by illness, serious accident or by the conviction of all those involved in a murder, the capacity to "move on" is limited.

But my story is also one of hope and tenacity. As well as being involved in the pursuit of justice for Stephen, I have spent much of the past 30 years going into schools and colleges to counteract negative stereotypes of black people and communities, and to discuss with young people the impact of knife crime, prejudice and hatred. I have been able to quietly support other families, especially black families, who have experienced the murder of their child or other loved ones. The learning from the investigation into Stephen's death has made it a little easier for such families to challenge the police. It is part of my desire to draw something positive from Stephen's murder.

I have "let go" of my anger towards Stephen's killers and found forgiveness, because anger and bitterness are corrosive. I can find no such forgiveness towards the Met. This is not simply because of how they treated my family in the aftermath of Stephen's murder, or even their failure to secure convictions. It is because, year after year, the racism embedded within the Met has been exposed – most recently by Louise Casey's report last year into its standards of behaviour and internal culture. For 30 years I have been caught up in a swirl of miscommunication, untruths, inaction and indifference – 30 years of broken promises, apologies and false hope. Thirty years of fighting for the truth and to see fundamental change. As a result I have been unable to "come to terms" with Stephen's murder or even to properly grieve. I do not say these things in order to attack an institution that is striving to change, but to identify the human cost of this.

I am now in my autumn years. I should be relaxing, spending time with grandchildren and looking back with a certain contentment on the achievements of my life. I have been denied that chance just as surely as Stephen's killers denied me my son.

There has been a decision to review the Met's handling of new evidence concerning a further potential murder suspect identified by the BBC last year. I expect to be part of the discussions about the composition of the panel, including the participation of a known and trusted independent observer. This is because I have little reason to believe in the integrity of a process in which the Met is involved, given my experience with the force over the past three decades. I want to have confidence in the review and to feel that it has a genuine purpose and full independence. This can be achieved only through the participation of an observer in whom I have full trust.

As my son lay dying, I doubt that the young men responsible gave a moment's thought to the consequences of their actions. When individual police officers treated me and my family with such cruel indifference in the aftermath of Stephen's death, I equally doubt that they would have given a moment's thought as to how their behaviour eventually exposed the failings of the Met, their treatment of black families and the policing of black communities in general. Stephen's death, and the determination of his family, has been a catalyst for change – however small and lumbering those changes might be.

Prisons Continue to Deny Access to Lawyers

Prisoners are still being denied crucial contact with their solicitors, both in-person and via video links, according to a report from the Association of Prison Lawyers (APL). The organisation said its members continue to face significant problems gaining access to their clients in jails in England and Wales, despite similar concerns having been raised in a previous APL report four months ago The earlier report, called 'Justice Barred' and published in January, identified 16 prisons which do not allow solicitors to book video calls with their clients in prison. Last week's follow-up report, 'Justice Still Barred', names 14 prisons which do not allow video calls to be booked. In last week's report, the APL says that the Prison Service assured it after the first report was published that improvements were being made – yet despite this, there continue to be many prisons that offer no video links at, some not offering in-person visits, and others where there are excessive delays in obtaining a visit, or where practitioners cannot get through to arrange a visit.

Scotland to Release 550 Prisoners Early

Scottish Justice Secretary Angela Constance announced the move last week, with the releases set to take place in four tranches from the end of June. She has warned that the country's prison system is at "critical risk" after the number of prisoners rose by 400 between March and May, to climb above 8,300. Trade unions representing prison governors and prison officers in Scotland have echoed the warnings about the current dangers in the overcrowded system. The Scottish Conservatives have said they will oppose the early releases due to concerns about public safety. Prisoners serving life sentences and those convicted of terrorism-related offences or sex offences will not be eligible for early release under the scheme. Nor will those convicted of domestic violence. Governors will have a right of veto to prevent the release of those who may be eligible under the guidelines but who are considered to be an "immediate risk" to a group or individual.

Hassan Yahya: Family Respond to Inquest Conclusion Following Fatal Police Shooting

An inquest Jury on the 28 May 2024 concluded that Hassan Yahya, a 30 year old Black man, was lawfully killed when he was shot by a City of London police officer in central London on the night of 8 March 2020. Hassan was in possession of two knives and was pursued on foot by the Ministry of Defence and Metropolitan Police (MPS) officers from the Southbank and across Hungerford Bridge to Northumberland Avenue and Great Scotland Yard. Hassan made no attempts to harm any members of the public. The inquest heard evidence from consultant psychiatrist, Dr Akenzua, that Hassan suffered with paranoid schizophrenia for a number of years, had been prematurely discharged from mental health care services, and that it was likely that his paranoid schizophrenia was responsible for his actions on 8 March 2020. Hassan's family described him as very funny and not one to fight with others or to complain. His uncle has fond memories of playing football together when they were young and reconnecting when they found each other again as adults in the UK.

The inquest heard that: The Tactical Firearms Advisor accepted that he ruled out the possibility that Mr Yahya should be considered Emotionally or Mentally Distressed ('EMD'), despite Hassan's behaviour seeming odd. Despite the fact that the incident had been declared a 'Trojan stop only', meaning that only authorised firearm officers (AFOs) should intervene, two unarmed MPS officers did not follow the direction. One of those officers accepted that his involvement may have escalated the situation. Hassan was shot within seconds of an armed officer deploying from his vehicle. It was not accepted by the family that there was sufficient

evidence to show that the officers were in imminent danger at this point.

After hearing evidence over a two-week period, the Senior Coroner directed the jury to return a shortform conclusion of Lawful Killing and that no other issues could have caused or contributed to the death. This decision from the Coroner was shocking and extremely disappointing for the family, who are now considering a legal challenge. In their narrative conclusion the jury did record that: The police communication was insufficient and could have been clearer throughout, That greater weight could have been given to EMD; It was a significant ommission that no officers in the armed police vehicle turned on their body worn cameras

Speaking on behalf of the family, El-Tahir Adam, said: "It was terrible to lose Hassan in this way, and we have had to be very patient and wait for the inquest to take place. I had hoped that we would get some answers from the inquest process, but I feel very disappointed with how the Coroner has conducted this investigation despite the best efforts of my legal team who I wish to thank. Hassan was not well and extremely vulnerable, but he did not harm anyone, and I believe that there were opportunities for the police to recognise that and treat him differently. I am extremely disappointed that the jury were directed to find that Hassan was lawfully killed and not even able to decide a number of issues that I believe to be failings by the police in Hassan's case, in particular the communication between police about the incident; the way police confronted Hassan when he was walking after crossing the bridge; and whether they considered his mental health. BX222, the officer who shot Hassan did so extremely quickly after he got out of the car. It was a matter of seconds, and I don't believe he could have assessed Hassan that quickly. I am also disappointed with the absence of important body worn video evidence from multiple officers who interacted with Hassan, including BX222 who had not turned his camera on. I am considering the options available to challenge the Coroner's decisions."

Elaine Macdonald of Broudie Jackson Canter Solicitors said: "Mr Adam has shown great dignity throughout these difficult proceedings, which have taken over four years to conclude, to try and get answers. We are disappointed that an engaged jury were not permitted to make any critical causative findings in any way about the incident that led to Hassan's death. Families need the inquest process to ask robust questions of the state in the most serious of incidents like this, where lethal force has been used on a vulnerable individual. We are now considering the next steps and advising the family at this stage."

'Secret Justice' Review: MoJ Drops Long-Delayed Response Into Political Vacuum

Charlie Moloney, Law Society Gazette: The government has finally responded to concerns about the UK's controversial 'Secret Justice' system - nearly six years after a statutory review was first scheduled to begin. A response from the Ministry of Justice to the 2022 Ouseley report on closed material procedure (CMP) was published on the 29th May, ahead of the dissolution of parliament. The response comes after a group of 25 practising special advocates (SAs), including 16 KCs, told the attorney general last month that they would not accept any new appointments while current defects with the system remain unaddressed.

One area of controversy is resourcing for special advocates, encompassing staffing levels and training. Special advocates are the security-cleared lawyers appointed to represent the interests of those excluded from viewing material rated national security-sensitive. Under the Justice and Security Act 2013, a review of the CMP was required to commence 'as soon as practicable' after June 2018. The review was not commissioned until February 2021, under former High Court judge Sir Duncan Ouseley. The judge completed the review in December 2021 and made 20 recommendations.

The MoJ said this week it will be taking forward seven of Ouseley's recommendations. On resourcing, the MoJ will work with the Special Advocates' Support Office (SASO) to 'understand what would be required, in terms of resourcing, to deliver an increased training offer to SAs, to ensure that regular training is available to both new and existing SAs. 'We will continue to engage with GLD [Government Legal Department] and SASO to ensure that the system has sufficient resilience.'

The government also pledged to create an accessible, searchable, closed judgment summaries database, and a secure electronic full closed judgments database. The response adds: 'It is important to note, however, that this is not a straightforward task and will take some time to establish. There are a number of security considerations that will need to be taken in to account when dealing with material of such a sensitive nature.'

Experienced special advocate Angus McCullough KC, of 1 Crown Office Row, has been highly critical of the government's inertia in a series of blogposts. McCullough has been instructed as the special advocate in some of the most high profile cases of recent years, including Shamima Begum's appeal against deprivation of British citizenship.

Explaining his decision not to accept new appointments, he wrote last October: 'Throughout my time as a special advocate I have been pressing for improvements in the operation of the system. The structural unfairness of that system is one thing, but it is quite another for that unfairness to be heightened by a failure to provide proper resourcing and support for special advocates. That aggravated unfairness of CMPs is a price paid by the excluded parties, even though they may be unaware of it. The system depends on special advocates being able to discharge our role effectively.'

1,000 Pagans in UK Jails

More than 1,000 prisoners have recorded Paganism as their religion, making it the fourth-most popular faith in English and Welsh jails. The figure was disclosed by the Ministry of Justice to Inside Time following a Freedom of Information request, which also revealed that there are 14 prisoners officially registered as Satanists. Every prisoner may register their faith in prison records. Those who do can attend prayer services or meetings with a chaplain of their religion, and are allowed religious items. For Pagan prisoners these include incense, crystals, rune stones, a pentagram necklace, and a wand. In March 2023, out of 84,372 prisoners, there were 37,601 Christians (45 per cent), 14,991 Muslims (18 per cent), 1,643 Buddhists (2 per cent) and 1,172 Pagans (1.4 per cent). The fifth-biggest religion was Rastafarianism, with 794 followers (0.9 per cent). Other religious groups including Hindus, Sikhs, and Jews each numbered fewer than 600. Only nine prisoners in Scotland are registered Pagans, according to the Scottish Prison Service. A Prison Service document called Faith and Pastoral Care for Prisoners (PSI 05/2016) states that sub-groups within Paganism include Druids, Odinists, Shamans, and Wiccans (witchcraft).

Systemic Racist Police Violence In Chicago

Independent UN human rights experts on Monday 3rd June 2024, called for action to remedy racialised police violence and misconduct within Chicago's law enforcement and criminal justice system against people of African and Latino descent. "Chicago has a long history of law enforcement officials reportedly using torture to extract confessions to serious crimes," the experts said. This resulted in wrongful convictions and incarceration - often for long periods of time without adequate access to healthcare. "These heinous alleged human rights violations appear to a significant extent to be rooted in systemic racism and have disproportionately affected people of African and Latin American descent. Lives have been stolen, with a significant ripple effect

within communities," the Human Rights Council-appointed experts continued.

City authorities in Chicago have taken steps to address reported human rights violations, including the issuing of a public apology and the establishment of a Torture Inquiry and Relief Commission, to acknowledge, remedy and prevent police torture and misconduct, the Special Rapporteurs and Working Group members said. While these initiatives are welcome, there is still a long way to go, they stated. They are concerned that reforms have been piecemeal with systemic barriers to rehabilitation. Reports also indicate that alleged human rights violations have taken place largely without real accountability for perpetrators. The UN rights experts issued a call for relevant federal, state and local officials to take immediate and comprehensive action in Chicago and have been in contact with the US Government to clarify its obligations under international law. "A just society must address past wrongs and put in place all measures to prevent recurrence," the experts said.

Double Jeopardy Bars Extradition in Rare High Court Appeal Decision

The High Court has allowed an appeal against extradition, brought by Mary Westcott against the decision of District Judge Sternberg to extradite her client to stand trial on charges of conspiracy to supply drugs in Poland. Mrs Justice Thornton's decision marks a rare, successful application of the double jeopardy or ne bis in idem principle as provided for at s. 12 of the Extradition Act 2003. In so doing, the Court agreed that the case must be stayed as an abuse of process.

The issue arose because the Appellant had previously admitted to the small-scale supply of drugs at broadly the same time and place in Poland, for which he was convicted and sentenced in 2008. However, an allegedly 'new' case against him commenced in 2016 and accused him of the 'more serious' offence of conspiracy to supply drugs. However, that conduct included some of the same drugs for which he had already been convicted in 2008.

The Court agreed that the 'new' Polish prosecution should not be permitted, years later, to continue a prosecution for acquiring broadly the same drugs the sale of which had already been prosecuted. The Court agreed that the earlier supply offences "necessarily imply the possession of drugs and hence obtaining them" (para 32 and 46).

The Polish Court, which was invited to respond to the double jeopardy question, both failed fully to engage with the issue or accept the point, despite conceding that the "allegations may be related". It argued in vain that, as there was no previous court decision on the new matter, the principle of "res judicata" did not apply and dismissed any risk of double jeopardy. While the alleged conduct was clearly not identical, the Court agreed that there was enough overlap to show that the extradition charges were based on "substantially the same facts" as the earlier conviction. The Court also accepted that there were errors in the magistrate's analysis of the passage of time and Article 8 ECHR, but the successful double jeopardy ground made detailed reasons on these submissions unnecessary (para 48-49).

Profoundly Deaf Prisoner Was Denied Sign Language Interpreter

A profoundly deaf former prisoner was denied a sign language interpreter during his one-year imprisonment. Staff at HMP Lewes in East Sussex took the view that lip reading and writing would be enough for him to communicate with prison staff, medical staff and other prisoners while he was serving his sentence. When he was taken to hospital for treatment for his cancer on two separate occasions, he was handcuffed to a prison officer with a short chain, which meant that he was unable to communicate using British Sign Language (BSL). He was given a longer chain only after the consultant oncologist raised concerns directly with prison staff.

Now, the prisoner, known as Mr A, has settled a legal claim against the Ministry of Justice and Practice Plus Health and Rehabilitation Services, who denied liability for the unlawful discrimination claim, but later agreed to settle the claim brought against them. Mr A, who is 64-years old, is pre-lingually and profoundly deaf and relies on BSL to effectively communicate. He was remanded to HMP Lewes in August 2021. He was not provided with access to a BSL interpreter by prison or medical staff at the prison even though his communication needs were exacerbated in light of his cancer diagnosis. Mr A raised his concerns with HMP Lewes to the best of his ability, but the prison took the view that he was able to communicate sufficiently through lip-reading and writing, and no BSL interpreter was made available. A BSL interpreter was also not made available for his appointments with the healthcare department at the prison. As a result, he faced significant barriers understanding and taking part in prison life, as well as to follow and question medical professionals about his own health.

After approaching Leigh Day in October 2021, Mr A brought a claim for compensation against the Ministry of Justice and Practice Plus in December 2022, alleging that they had unlawfully discriminated against him under the Equality Act 2010 and violated his rights under articles 8 and 14 of the European Convention on Human Rights by failing to meet his deaf needs. After initially defending it, the claim has now been settled against both Defendants.

Mr A was represented by human rights partner Benjamin Burrows with trainee solicitor Ellie Sutherland in the prison team at Leigh Day, and Paul Clark, a barrister at Garden Court Chambers. Benjamin Burrows said: "It is commonly accepted that life in prison is going to be much harder on those who are deaf than for others. However, not providing a deaf prisoner with access to a BSL interpreter, when BSL is their first language, makes life almost impossible for them. This case shows that the needs of deaf people in prison are still being fundamentally misunderstood. I am pleased that we have been able to settle Mr A's claim, but it is of considerable disappointment and concern that he had to resort to litigation in the first place."

Mr A said: "I am really pleased my claim has now settled, but I am not the only deaf person who has been denied access to a BSL interpreter while in prison. Deaf prisoners should be informed of their rights and supported to have their deaf needs met while in custody. Thank you to Leigh Day who have been fantastic throughout this process and very understanding of my needs as a deaf person."

Jury Finds Just Stop Oil Supporters Not Guilty in Petrol Pump Case

The Canary: In a unanimous verdict delivered on Wednesday 5 June by a jury at Guildford Crown Court, Just Stop Oil supporters Nathan McGovern, Rosa Sharkey, and Louis Hawkins were found not guilty of causing criminal damage exceeding £5,000 over their fossil fuel, climate crisis protest. On 28 April 2022, Just Stop Oil supporters blocked the entrances to Clacket Lane Services on the M25 by sitting in the road with Just Stop Oil banners. They also decommissioned the petrol pumps by breaking the display glass and covering it with spray paint. This action was taken in support of their demand for the UK government to end all new oil and gas projects in the country.

During the trial, Judge Sellers ruled that none of the defence's three arguments would be allowed for the jury to consider. Despite this, the 12 member jury made a factual determination and found all three defendants not guilty. The verdict flies in the face of a previous court ruling. As the Canary previously reported, following a pattern of jury acquittals of environmental defenders and anti-genocide activists, which exposes the media fiction that the British government's 'crackdown on protest' is in any way democratic, the Court of Appeal in March backed the Attorney General's call to remove what was for many their last remaining line of legal defence. It has

ruled that mass loss of life from climate breakdown and the government's failure to act on the science are irrelevant to the circumstances of an action, for the purposes of the defence of consent to damage to property. That is – protesters deeply-held and factual beliefs are no defence. This case was one such example of where that applied. However, clearly the jury were unconcerned.

Nathan McGovern spoke about the outcome: Despite Attorney General rulings, despite losing every legal defence, despite the Conservative Party demonising those taking action to protect our communities from the crimes of oil companies – 12 ordinary members of the public have returned a resounding not guilty verdict. This is a clear sign that the British public sides with those taking action to prevent catastrophic climate breakdown, not BP or the Tory party. From a jury in the heart of England, this could not make it clearer where the public lies on the need to end fossil fuels and protect all life.

Extraction and Use by Investigating Judge of Personal Data - violation of Article 8

Failure to apply procedural safeguards in respect of lawyers and their professional privilege, inadequate judicial scrutiny: In Chamber judgment in the case of Bersheda and Rybolovlev v. Monaco (application nos. 36559/19 and 36570/19) the European Court of Human Rights held, unanimously, as follows: With regard to Mr Rybolovlev's application, it considered that the messages and conversations extracted in the context of the court-appointed expert's assignment did not concern his personal data and correspondence or his exchanges with T.B., whether in a private context or that of the lawyer-client relationship. Consequently, it found that he could not claim to be a victim within the meaning of Article 34 of the Convention. His application was therefore declared inadmissible. With regard to Ms Bersheda's application, it was admissible and there had been, in respect of that applicant: a violation of Article 8 (right to respect for private life) of the European Convention on Human Rights.

The case concerned the conduct of a judicial investigation directed by a French judge seconded to the Monegasque courts. The Court took the view that the investigations undertaken by the investigating judge involving a lawyer's mobile phone and the massive, indiscriminate recovery of personal data – including those that had previously been erased by the applicant – had exceeded that judge's remit, which had been confined to accusations of invasion of privacy, and had not been accompanied by safeguards to ensure due respect for the applicant's status and professional privilege as a lawyer.

All Aboard The Prisons Express: Destination Unknown

Thomas Guiney, Justice Gap: It has been another tumultuous month for the prison system in England and Wales. During a recent Prime Ministers Questions exchange the government was challenged on its plans for the emergency release of prisons and The Times later reported that the National Police Chiefs' Council has issued internal guidance recommending a pause on 'non-priority arrests' until there is adequate capacity in overcrowded jails. Crime, criminal justice and management of the prison system will almost certainly feature prominently in the forthcoming general election campaign before voters go to the polls on 4 July 2024.

In a febrile political atmosphere of claim, and counter claim, it can be easy to lose sight of everyday life in our overcrowded prisons or how current concerns connect to a longer history of myopic political leadership in the era of 'prison works'. We are where we are because successive governments have embraced expansionary sentencing reforms that increase the use of immediate custodial sentences, drive up average sentence lengths and restricting access to parole. We are where we are because of chronic underinvestment in our prison system

that has contributed to a recruitment and retention crisis of experienced staff, an alarming reduction in access to rehabilitation, education and training opportunities and a maintenance backlog that has resulted in scandalous prison conditions.

Of perhaps greatest concern, a political system that values 'toughness' over governing competence has become tone death to the warnings of hard working prison staff. In England and Wales we incarcerate a higher proportion of our population than any other country in Western Europe and the prison population is projected to reach 115,000 by 2028. What does it say about the health of our politics when so many Justice Secretaries have been unable, or unwilling, to speak openly about the need to control the prison population until they have left high office?

"The three of us know, having served in different capacities in different governments, that all governments, of whatever political persuasion, have failed to grasp this nettle for far too long… ." Nick Clegg MP (Deputy Prime Minister, 2010-2015); Kenneth Clarke MP (Justice Secretary 2010-12, Home Secretary 1992-93); Jacqui Smith, (Home Secretary 2007-09). Letter to The Times, 22 December 2016 "… it is an inconvenient truth – which I swerved to an extent while in office – that we send too many people to prison. And of those who deserve to be in custody, many, but certainly not all, are sent there for too long." Michael Gove (Justice Secretary, 2015-2016), Longford Lecture, 16 November 2016. "As a result of these political choices, the Prison Service has been left with little option but to pursue an increasingly high-stakes 'build or bust' strategy to avoid system breakdown. Since 1990, billions have been poured into the construction of new prisons like the Titan-style HMP Fosse Way, in Leicestershire. Private prison providers have been awarded lucrative PFI contracts, hundreds of new houseblocks have been constructed on existing prison sites, extensive use has been made of prefabricated cells. A Prison Hulk, HMP Weare, was moored in Portland Harbour between 1997 and 2006, disused MOD and NHS sites have been re-rolled as prisons and episodic use has been made of expensive police cells. So insatiable is the appetite for new real estate that the MOJ has explored options to rent overseas prison cells.'

The Prison Service has found creative ways to deliver additional capacity on an annual basis, but this strategy cannot be sustained indefinitely. History teaches us that sooner or later the money runs out or the pipeline of new capital projects grinds to a halt. For a time, the Prison Service can flex its operational capacity but, when demand consistently outstrips the supply new prison places, governments are forced to introduce emergency measures to prevent the prison system going off the rails completely. This happened in 2007 when the New Labour government introduced the End of Custody Licence (ECL) scheme to release eligible prisoners on temporary licence up to 18 days before their release date. And it is happening again in 2024 with a Conservative Government announcing Operation Safeguard and the End of Custody Supervised Licence (ECSL) in response to the chronic overcrowding pressures that have seen the Prison Inspectorate issue an urgent notification at HMP Wandsworth.

One year ago, in a Prison Reform Trust discussion paper, I co-authored with Professor Harry Annison, we observed that penal crises can be moments in time and space when the political system is forced to confront the realities 'on the ground' for prisoners, staff, victims, families and the wider public. Unfortunately, recent rhetoric indicates there is little political appetite for change and the main political parties are once again doubling down on a build or bust approach to prisons management. While the Conservative Government has committed £3.8bn to construct 20,000 new prison places by 2030, the Labour Party has indicated that it will use emergency powers to build new prisons and stop criminals from being released early.

This restrictive political consensus is symptomatic of a misfiring representative democracy that neither represents nor governs effectively. Not only is it eye wateringly expensive to lay track just in front of the train, but a collective failure to look up and think strategically about the aims and techniques of imprisonment has normalised a dysfunctional system that lurches from crisis to crisis. Breaking this cycle may take a generation or more, but big changes always start with the small steps; it will require effective grassroots activism, like the alliance of women's organisations working to resist new women's prisons; it calls for vibrant democratic spaces where new and varied voices on prison reform can be heard; it needs robust democratic scrutiny of new prison building and, as other countries have shown, it demands consistent political leadership at all levels of government it if we are to change tracks from our current build or bust politics.

"No Vision" on Use of Artificial Intelligence (AI) by Family Justice System

There is currently "not a vision" for how people in the family justice system, clients and professionals, can "safely harness" the benefits of artificial intelligence (AI), the Nuffield Family Justice Observatory has found. Researcher Aliya Saied-Tessier also warned that people "with insufficient means" to pay for quality advice from humans may turn to lower-quality software tools, some of which use AI to predict financial settlements. In a briefing, she went on: "We know that AI technologies are available, accessible and already used by many. However, we do not know precisely how AI is being used by users of the family justice system, nor do we know the efficacy of the tools for dealing with requests made about family justice. At the moment there is not a vision for how those in the family justice system, both families and professionals, can safely harness the benefits of AI while being protected from the risks."

Ms Saied-Tessier said research had shown that people were concerned about risks posed by AI, with the majority welcoming regulation of AI to mitigate them. She warned that "people with insufficient means to fund quality human alternatives may turn to lower quality and/or unregulated software tools in their place". One example was people using unregulated AI tools that predicted likely financial settlements following family breakdown as an affordable alternative to legal advice. "Another example is potentially unreliable AI translation in place of a human interpreter. This tilts the level playing field away from those with fewer financial resources." However, Ms Saied-Tessier said there were "numerous potential benefits" of using AI tools in the family justice system.

They could be used for document review, to "scan and classify large volumes of documents for relevance to a case", reducing the time and cost associated with manual document review. Case management systems could use AI tools to "classify and route cases to appropriate teams" and they could also be used for drafting. Ms Saied-Tessier said some had been "explicitly trained to create language and could be prompted to use specific writing styles", whether formal or child-friendly. Lawyers could save time by asking large language models like ChatGPT to "redraft text to be understood by a child of a specific age". The researcher said some courts and children's social care departments around the world used predictive analytics to assess the likelihood of various events, such as the likelihood of a child requiring social care or a young person's vulnerability to gang exploitation.

However, although there was anecdotal evidence of local authority staff finding predictive analysis useful, researchers found that the machine learning models they built to identify children at risk, using local authority social care data, did not perform well.

More successful was a machine learning approach developed by academics for domestic abuse risk assessment, which performed better than the standard police protocol.

"Being transparent about when AI has been used is likely to be critical across a number of domains in order to secure public trust and allow for effective regulation, for example when drafting reports or using algorithms to support with decision-making." Researchers could only examine how cases varied when litigants in person used AI if the system actually collected the information. Ensuring that the public and legal professionals have trust in AI systems used in the family justice system is paramount." Ms Saied-Tessier said she had used ChatGPT "for some initial ideas generation and to refine the drafting of some sections of this report".

The Prison Sentence From Hell

One of the few redeeming features of being sentenced to the highly contentious and widely controversial Indeterminate Sentences for Public Protection—otherwise known as IPP—is that despite being confined in a four-by-three-meter prison cell for an undefined period, IPPs can wake up every morning ready to confront and address another day of inhumane hypocrisy embedded within the sentence. By "inhumane hypocrisy," I really mean that once IPPs have served their minimum tariff set by the sentencing judge and have failed to secure release from the Parole Board, the IPP sentence automatically transmutes into an indefinite prison sentence, not for what the potential offender may have done but absurdly for what the offender might do in the future.

Historically, the last time these fundamentally unjust and unfair forms of incarceration and confinement were used upon humanity with complete contempt and disregard for their political status and welfare of its charges was in World War II (1939-45) when the Nazis interned millions of Jews, Gypsies, homosexuals and disabled individuals inside concentration camps. This also occurred more recently by the British in Kenya in the 1950s and, of course, not forgetting "The Troubles" in Northern Ireland in the 1970s-80s, where the Irish Republican Army (IRA) faced a very similar type of confinement at the Long Kesh and The Maze prisons.

One of the overriding problems with the concepts of internment and, more significantly, the IPP sentence, which was introduced in April 2005, is that they were both relatively facile to employ and enforce as a quasi-remedy to the perceived social and political ills but damned hard to reverse once they were cast in stone by Parliament. The salient reason is that the incumbent New Labour Government was wholly determined to portray itself as the most punitive and cruel legislator within the political spectrum. In essence, the genesis and enactment of IPP sentences was a sure vote winner as it dwarfed the hard-line alternatives espoused by the Conservatives by introducing a life sentence for essentially non-life sentence offences and crimes.

More shockingly, however, the then New Labour Home Secretary David Blunkett MP only intended the IPP sentence to be deployed against the most serious 900 violent and sexual offenders. However, by the time he had put his boots on, the judiciary had imposed the new sentence with such relish and gusto that both the prison system and the IPP themselves could not cope in as much as, it is common knowledge that the prison system was unprepared for the sudden tsunami of 8,71 1 IPP prisoners without an identifiable release date and the IPPs themselves were unprepared for such a swingeing and disproportionate sentence that would push their physical, psychological and emotional resolve beyond human capability. As a consequence, IPP was not only a recipe for disaster, but it became a veritable death sentence by another name for 90 prisoners.

Words seem insufficient and inadequate to describe the prevailing mental anguish and psychological torture that IPP prisoners suffered as they weighed up the pros and cons of taking their own lives or spending another day of indescribable hell in the prison system. How is it that so many

IPPs could not navigate or imagine a successful pathway through the prison system to eventual release and happy reunions with their family and loved ones in the community? What made IPPs so despondent or disenchanted with the prison system that it forced them to go insane and end it all? How could other human beings in the 21st century devise and endorse a prison sentence with an end date of 999 months or 83.25 years for stealing a mobile phone or taking a push bike?

Small wonder, the shocking parallels and similarities between the internees of the concentration camps in the mid-20th century and IPPs of 2005-2024 became evident when the omnipotent hopelessness and despair they endured metamorphosed into an irrepressible urge and desire to end it all. Ironically, despite inhabitants of concentration camps facing the real threat of starvation, brutality and execution at almost every turn of their internment, incomprehensibly, they were in a more beneficial or favourable position to obtain their freedom than IPPs, insofar as those in concentration camps could be liberated immediately should the war or rebellion come to an abrupt end as in Europe in 1945 and the Good Friday Agreement in 1998. Unlike the IPP prisoner who had as much chance of success of overturning the IPP sentence at the Court of Appeal as your grandmother taking on the mighty Mike Tyson in the ring. Similarly, applications by IPPs to the Criminal Cases Review Commission (CCRC) to have their Appeal knockbacks reviewed by a conglomerate of former police officers who had resigned or retired from the Police Service for miscreant behaviour of conduct became a non-runner.

This begs the question, what type of liberal democracy does Britain seek to promote and engender where our judiciary predicated upon the noble concepts of due process and the rule of law allows prisoners serving IPPs --- which was abolished in December 2012, but not retrospectively to remain in prison indefinitely when IPPs have not fatally injured or harmed anyone?

What type of liberal democracy do we seek where the United Nations special rapporteur on torture has formally rebuked IPP sentences as cruel, inhumane and degrading punishment that could amount to psychological torture?

What type of liberal democracy do we wish for when the current Government and Opposition have stubbornly dismissed the detailed findings of an evidence-based report by a cross-party Justice Select Committee in 2023 to re-sentence all IPP prisoners and end this scandalous and grotesque misuse and abuse of legislative power and influence?

What type of liberal democracy have we become where those parliamentarians who oppose the re-sentencing proposal proclaim the Probation Service are ill-equipped to cope with substantive over-tariff IPP prisoners being released into the community when Britain has both adequate and sufficient laws in place to deal with every type of crime or offence already on the Statute book?

More bizarrely, on a granular level, how is it an IPP prisoner who has been variously described as both a "model" and "exemplary prisoner" by Prison Governors and staff with over sixteen years of servitude --- now as an old age pensioner --- who has acquired a first class BA Honours with the Open University and can recite his pro-criminal and pro-social risk factors to the public back to front is still languishing in an overcrowded prison system at the cost of E50k per year to the hard-working British taxpayer and still does not have an identifiable release date in sight?

What is going wrong with the British criminal justice system? Almost every time a General Election comes along, the key political parties call for longer and longer prison sentences where there are not enough years in prisoners to serve those predicted and preferred sentences. It is time, it is not, to embark upon a radical re-think about the direction of the prison and criminal justice system, and a perfect start to show that it is serious about reform would be to re-sentence the 3,000 IPP prisoners currently clogging up the prison estate who have served the punitive and deterrent part of their sentence, in the majority of cases, many times over. - Terry Smith