

## MOJUK: Newsletter 'Inside Out' No 995 (20/03/2024) - Cost £1

### Death Toll at the Hands of Priory Healthcare Reaches 40

*INQUEST:* Priory Healthcare Ltd have today admitted criminal failures for exposing an NHS patient to serious risk of harm. A judge at Birmingham City Magistrates Court has now sentenced the private healthcare provider and imposed the fine of £650,000. This is the third and largest ever fine faced by the Priory following a death under their care. The charge was brought for exposing Matthew Caseby to serious risk of harm when he was a patient at the Woodbourne Priory hospital in Birmingham in 2020. Matthew, who was 23 years old, had been sectioned under Section 2 of the Mental Health Act for his own safety and was suffering an acute psychotic episode.

Until he was sectioned a few days before his death, Matthew had never been diagnosed nor medically treated for a mental health condition. At the end of a catalogue of failings by the hospital, Matthew was left unaccompanied in a courtyard and escaped over a dangerously low fence over which other patients had escaped before. Nothing had been done to make the fence safe. Matthew absconded and was killed by a train 14 hours later at 08.47 on September 8, 2020. At the inquest in April 2023 a jury found that Matthew's death was contributed to by neglect by the Priory Woodbourne hospital, Birmingham.

The coroner was so concerned about the continued failings and neglect at the hospital that she issued a Prevention of Future Deaths report. Responding to the sentencing of The Priory today Richard Caseby, Matthew's father, said: "My family is relieved that the Priory has finally been held to account for its criminal neglect. However, the prosecution over Matthew's death brings no real satisfaction because, of course, nothing can bring our son back.

Despite its protestations in court today, the Priory has such a shocking record of failure and neglect that I have no expectation that it will ever change its dangerous culture. The same fatal mistakes are made again and again. The Priory was prosecuted and fined £300,000 for the death of Amy El-Keria; it was fined £140,000 for the death of Francesca Whyatt and today it was fined £650,000 over the death of Matthew. In 2022 three young women died within two months of each other at the Priory Cheadle Royal hospital in Manchester. And then a fourth died there last year. "This roll call of death and neglect will continue until the government stops the NHS outsourcing mental health services to the Priory." This criminal prosecution by the Care Quality Commission is the culmination of a three-year investigation and campaign by Matthew's father, Richard Caseby, the former Managing Editor of The Sunday Times, to seek accountability for his son's death.

The Priory Group, which earns at least £400m a year from public sector contracts for looking after patients with mental ill health, has been repeatedly criticised for failures of care over the past decade. In 2019 the company was fined £300,000 after the death of Amy El-Keria, 14, who died in its care at the Priory Ticehurst. The company admitted failing to discharge its duty to ensure people were not exposed to risk. In November 2023 the Priory was fined £140,000 after Francesca Whyatt, 21, took her own life at the Roehampton Priory hospital, southwest London. Days before her death, the hospital's consultant psychiatrist had complained the unit was in "chaos".

INQUEST is aware of at least 40 deaths of Priory patients in the past 10 years, as recently as September 2023 when Amina Ismail died aged 20 at Priory Cheadle. Deborah Coles, Director of INQUEST, said: "Today's decision is the culmination of Matthew's family's brave fight for jus-

tice and accountability in his name. Criminally unsafe practises have been exposed in what is now the third prosecution and fine of The Priory Group for preventable deaths and neglect of NHS inpatients. Despite this, the shocking death toll across Priory services continue and we see repeated systemic failings to protect the lives of people in their care. This demonstrates a culture of complacency of the Priory Group who put profit before patient safety. We can no longer tolerate the use of public money to fund private provision which is failing to keep people safe."

### Finlay Finlayson: Inquest Opens Into Death at HMP Lewes

Finlay Finlayson, known to his family and friends as Vinney, was only 54 years old when he died at HMP Lewes on 25 January 2019. Now an inquest will look at the circumstances of his death and the care he received at the prison. At the time of Vinney's death, HM Inspectorate of Prisons inspected (HMIP) HMP Lewes, stating "the findings of this inspection were deeply troubling and indicative of systemic failure within the prison service." The last day of their inspection in 2019 was the same day Vinney died. Vinney's family describe him as a caring and genuine person. They say he had three main joys in his life, his dog Caesar who he rescued, his Harley Davidson with Cesar's sidecar, and most importantly, his family. Vinney had been diagnosed with cancer which was treated with surgery, chemotherapy and radiotherapy. He fought hard. On being remanded at Lewes prison, on 27 December 2018, Vinney's family thought he was cancer free. Vinney struggled with his mental health. His family describe him as blunt yet charismatic and say this did not always sit well with healthcare staff. They are concerned that Vinney's physical pain and symptoms were often ignored due to his mental ill health.

Vinney's physical health deteriorated during January. He told his family that he had put in applications to be seen by healthcare but was only seen on 21 January when he was thought to be suffering from constipation. HMIP said in their report that in 2019 there were 143 non-actioned applications from prisoners to see healthcare dating back to the beginning of December 2018. On 25 January Vinney collapsed in his cell. It took healthcare over 27 minutes to answer a radio message to attend to Vinney and it was another 45 minutes before an ambulance was called. Half an hour later Vinney went into cardiac arrest and died. The medical cause of death has been given as Pulmonary Thromboemboli due to Deep Vein Thrombosis.

The family hope the inquest will address their concerns about the care that Vinney received prior to his death and whether his death could have been prevented. Vinney told his family that he thought he was going to die in prison. His sister made a promise to Vinney that she would get his story heard. She hopes the inquest will help her fulfill this promise.

### Vulnerable Man 'Humiliated' Into Confessing to 1990 London Murder

Court of appeal hears Oliver Campbell was convicted on basis of inconsistent confession made under police pressure. There is a "crescendo of concern" from psychological experts that a vulnerable man was convicted of murder on the basis of a false confession, the court of appeal has heard. Oliver Campbell was convicted of murdering east London shopkeeper Baldev Hoondle 33 years ago after telling police he had shot him. But Campbell, 53, suffered profound brain injuries as a baby, leaving him with significantly impaired cognitive ability. Campbell was "humiliated" by police in "disgraceful" interviews after the murder in summer 1990, the court heard. Many were not recorded or conducted with a lawyer present and his subsequent "confessions" were described as "simply absurd" and having "a litany of inconsistencies".

In what could turn out to be one of Britain's longest-running miscarriages of justice, Campbell's case was referred for appeal in 2022 by the Criminal Cases Review Commission (CCRC), having been rejected by them nearly two decades ago. As happened in the Andrew Malkinson case, the CCRC had previously declined to refer Campbell's case for appeal in 2005 after an initial investigation. The latest referral is on the basis of further evidence of Campbell's vulnerabilities.

Describing the pressure put on Campbell in police interviews, Michael Birnbaum KC said Campbell was "humiliated" by one detective and "frequently told that his body language betrayed guilt". Birnbaum said there was a "growing crescendo of concern" from experts that Campbell made a false confession. He said there was now a consensus among experts that Campbell decided after pressure from police that confessing to an accidental killing was his "least bad option". Describing the police interviews last year, Campbell said: "It's like, they were putting pressure on me, pressure on me ... My whole mind couldn't take all the questions." Birnbaum described a "disgraceful series of interviews of a kind that no police officer today would dream of conducting". Commenting on the impact of this, Birnbaum said: "Since Oliver hadn't been there, all he could do was make things up and his account became increasingly divorced from the facts as we know them and increasingly inconsistent."

The only witness who saw the gunman "face to face" inside the shop, the shopkeeper's son, described the attacker as being significantly shorter than Campbell and carrying a silver gun, when Campbell said it was black. That witness did not pick Campbell out of an identity parade. The gunman was also right-handed while Campbell was left-handed. The only witness who did choose Campbell saw the gunman for a few seconds across four lanes of traffic – and initially picked nobody from the line-up. A second man who admitted to being in the shop that night, Eric Samuels, was convicted of robbery but acquitted of murder. Samuels, who has since died, told his solicitor that Campbell was not the gunman and repeatedly told others "that Oliver was not with him in the robbery". This was not disclosed to jurors at trial as it was deemed "inadmissible hearsay".

A previous appeal against Campbell's conviction was dismissed in 1994 after a fellow prisoner alleged that Samuels had told him multiple times that Campbell was innocent. He said Campbell had only got involved in the case because of a hat which someone else had taken from him. The British Knights baseball cap, which was found a few hundred yards from the shop, had hairs inside it belonging to someone who was neither Samuels or Campbell. Later, in a 2001 BBC documentary, Samuels told a reporter in a covert video recording that Campbell had not been with him during the robbery and gave a vivid account of the shooting. Campbell was released in 2002 having spent 11 years in prison. He was in court on Wednesday watching nervously, dressed in a navy suit and tie. Birnbaum said those who knew him best describe him as "naive, gentle, loyal to friends, not at all violent and easily manipulated".

### **Prison is No Place for Vulnerable Young Women**

Trauma is embedded into an environment that is designed and staffed for men and boys, while ignoring that women and girls need an entirely different approach. The image of a girl in a children's prison being pinned down and stripped by male officers, not once but on two separate occasions, beggars belief (Girl at YO1 Wetherby was twice stripped by male officers, watchdog says, 5 March). This is a horrific story that cannot be ignored. The "highly vulnerable" girl with complex needs, we are told by the chief inspector of prisons, was routinely self-harming, yet no plan was in place for female staff to be available.

Put bluntly, a bad situation was made worse by imprisonment, where those responsible for a

teenage girl's care put her in increased harm's way. This is a child in need of support, not traumatised and wholly inappropriate treatment in a prison. The idea that a vulnerable girl in distress faces force and degrading trauma as a means of "protection" should shock us to our core. It triggers flashbacks of the strip-search incident in a school with Child Q.

Agenda Alliance's recent work has found that young women are at the highest risk of self-harm of all women in prison. Once inside, trauma is embedded into an environment designed and staffed for men and boys, while ignoring that women and girls need an entirely different approach. Take Ruby, a victim of domestic abuse before prison: "My only coping mechanism was to turn to what I had known throughout my life, 'pain'. So that's what I did, inflicted pain on myself."

Let's stop looking the other way. While men's prisons are bursting at the seams, we must not turn a blind eye to the overlooked minority of girls and young women who are imprisoned. We have to call time on locking up vulnerable girls and young women in prisons that harm them. It's time to invest in trauma-informed community solutions. The government knows these are vital.

Indy Cross, Chief executive, Agenda Alliance, Sonya Ruparel, Chief executive, Women in Prison

### **Police Officer Drags and Stamps on Homeless Refugee**

*Amelia Sharples, Justice Gap:* Footage of a police officer dragging a homeless refugee and stamping on them has circulated online. The video shows an officer of the Greater Manchester police seizing a homeless person's sleeping bag and dragging it across the floor, with them still inside. The officer then goes on to intentionally tread on them. The man, who wishes to remain anonymous, stated in a BBC News interview 'I was telling her I need to sleep. But she stamped on my stomach with her foot. It caused me problems – I had a fever and in the following hours I had blood in my urine.' He required hospital treatment.

The attack took place outside Manchester Town Hall, where the man slept. The Town Hall is where homelessness support systems are located. This is one example of several, where homeless people have faced abuse in recent months. A man in Birmingham was set on fire in November. McDonald's security guards doused a rough sleeper and his belongings with water in London in December. The Metropolitan Police also 'unlawfully' detained a homeless pensioner and destroyed his belongings, resulting in legal action. These incidents followed legislative proposals by Suella Braverman, then Home Secretary, which criminalised the use of tents by homeless people and attacked charities which supported them. She described homelessness as a 'lifestyle choice'. Matt Downie, chief executive of Crisis, said 'We are concerned that incidents like this could become more common and urge the Westminster government to work with police forces to ensure officers are getting the right training to support people in need.'

Polly Neate, the chief executive of Shelter, said: 'This is a harrowing reminder of the abusive and brutal treatment people are often faced with when sleeping on the streets. Sleeping rough is deeply unsafe with people under the constant threat of harassment and violence. Nobody chooses to spend their night shivering in a sleeping bag. But record high rents and the government's failure to build enough social homes mean more people are becoming homeless and growing numbers of them are ending up on the street.' The Sudanese man has since secured housing and received an apology from the officer involved in the incident.

In a statement, Greater Manchester Police said: 'The officer's behaviour fell below the standards we expect, especially concerning respect for all members of the community, and the officer's actions were dealt with.' They commented further, 'She, along with other employees, received refresher training on how to deal with similar situations in the future.'

### **Jimmy Lai's Ongoing Trial in Hong Kong**

*Doughty Street Chambers:* The UN Special Rapporteur on Torture, Dr Alice Edwards, today addressed the UN Human Rights Council (UNHRC) in Geneva to reiterate her concern about the admission of evidence allegedly obtained by torture in the ongoing trial of newspaper owner, writer and pro-democracy advocate, Jimmy Lai and called on Hong Kong and China to respond. This follows the urgent appeal filed by Mr Lai's international legal team earlier this year with the Special Rapporteur, which resulted in a UN communication to China and Hong Kong.

Following concerns being raised by a number of UN members states about Mr Lai's case, Dr Edwards called on Hong Kong and China to investigate the torture allegations and to provide a prompt reply to her UN complaint. Mr Lai is currently on trial under Hong Kong's controversial National Security Law. In response to UN complaints filed by Mr Lai's international legal team, UN experts have called for his release on the grounds his prosecution is "directly related to his criticism of the Chinese Government and his support for democracy in Hong Kong SAR." Caoilfhionn Gallagher KC, who leads the international team for Mr Lai, also addressed the UNHRC today, stating that she was raising "grave concerns regarding the use of evidence which appears to have been procured through torture in the prosecution of prominent pro-democracy campaigner and prisoner of conscience in Hong Kong SAR, 76-year-old Jimmy Lai." She continued: "Our urgent appeal cited a year-long investigation by The Washington Post, which found that a key prosecution witness, Andy Li, was tortured when imprisoned at Shenzhen Prison, in mainland China, before he turned prosecution witness against Jimmy Lai. Andy Li has been detained in a psychiatric facility since he was returned to Hong Kong SAR. Despite this concerning publicly available information, based on credible evidence, neither China nor the Hong Kong SAR have taken steps to comply with their obligations to independently investigate the allegations.

The right to be free from torture is deemed to be so fundamental to a civilised society that it is recognised as an absolute right in international law. That is also why international law prohibits reliance on evidence derived through torture. Such statements are involuntary, inherently unreliable, violate the right to a fair trial, and reliance upon them indirectly legitimises torture and taints the justice system. The admission of evidence procured through torture and coercion will constitute a flagrant denial of Jimmy Lai's right to a fair trial. We call upon all States to condemn the use of torture evidence and to urge China to comply with its international obligations."

Various governments also raised concern with China and Hong Kong about Mr Lai's case. The United Kingdom told the Special Rapporteur, "we share the concerns outlined in your press release of Jan 2024 that some of the evidence that may be used to prosecute Jimmy Lai was allegedly obtained through torture of Andy Li. No evidence obtained by torture can be valid evidence." The United States raised concern that "evidence being used to prosecute Hong Kong pro-democracy media entrepreneur Jimmy Lai was allegedly obtained by torture". Austria said their government "is concerned about reports that evidence of a key witness in the case of Jimmy Lai may have been secured by torture and admitted into the proceedings. The reliance on evidence obtained through torture is absolutely prohibited under the Convention against Torture and such incidents must be investigated immediately." This followed the National Statement of the United Kingdom to the UNHRC during High-Level Week, where Lord Ahmad said: "we urge the authorities to repeal the National Security Law, and release Jimmy Lai."

In a written statement to the Council today, Jennifer Robinson said: "China has a shameful history of targeting writers, journalists, media owners and human rights defenders, and subjecting prisoners to torture or ill-treatment, despite China having ratified the UN Convention against Torture in 1988. Family members and colleagues are pressurised to "confess" to crimes and implicate loved ones and co-workers. The use of torture, inhuman and degrading treatment, and other coercive tech-

niques, including the use of fixed restraint 'tiger chairs' have been well-documented.

The case of media owner and writer Jimmy Lai in Hong Kong is a chilling example of torture in mainland China tainting legal processes in Hong Kong, undermining the idea of 'One Country, Two Systems.' It is alleged that a key prosecution witness against Jimmy Lai was subjected to torture during his detention in the Shenzhen prison in mainland China; was coerced to "confess" to collusion with Jimmy Lai; and the witness is now in a psychiatric facility in Hong Kong...[we call on] the Chinese and Hong Kong authorities to comply with their obligations under international law, cease all use of torture and inhuman and degrading treatment, and never rely upon evidence procured through torture in their trials."

### **Family of Man Who Took His Own Life Criticise Indefinite Sentences**

*Emily Dugan, Guardian:* On the last day of his life, Francis Williams feared he was about to be sent to prison. Williams, 43, had committed no recent crime but when he was kicked out of a hostel in Bognor Regis after a drinking relapse, he guessed what was coming next. An arcane sentence for a street robbery 18 years earlier meant homelessness and addiction would be enough to send Williams back inside. He had been given an imprisonment for public protection (IPP) sentence and could be recalled to prison if he was deemed to be a risk, even though he had served his time. An inquest at Chichester coroner's court on Tuesday 6th March, found that his IPP sentence caused or contributed to his death.

When Williams lost his hostel place on 27 January 2023, his worst fears were confirmed: his probation officer said he was facing an emergency recall to prison. He told her in detail how he would end his life if that happened and that police would find a body. The probation officer alerted Sussex police to his suicide risk but they did not appear to prioritise a search. He was found dead in a tent in a park in Bognor Regis the following day. Despite IPP sentences being abolished in 2012 after growing outcry over their impact, Williams was one of thousands of people still subject to them because the changes were not backdated. His sister, Suzanne Rodrigues, told the Guardian: "I know it was the IPP. The system doesn't provide people on IPP with even a glimmer of hope."

Last year the number of people still on IPPs who were recalled to prison increased by 8% to 1,625, according to the latest Ministry of Justice figures. The coroner in Williams's inquest, Nick Armstrong, is expected to put out a prevention of future death notice later this month warning about the particular psychological pressures on IPP prisoners. Williams was among the first people to receive an IPP when he was sentenced in 2006. He was in his early 20s, reeling from the grief of losing his aunt and mother, and was having addiction problems. His recall last year was 12 years after his release from prison for that crime. For the best part of the previous decade, his life had looked more positive: he built a successful business as a fitness coach and was determined to start afresh. But then his relationship ended after his girlfriend returned to Australia and the travel restrictions of his IPP meant he could not follow her. That and, later, the isolation of the pandemic prompted a downward spiral in his mental health and a return to addiction, exacerbated by the fear of a recall to prison.

Rodrigues, 50, who is his closest surviving relative and works with young people with special needs, said the threat of being snatched back to prison even without committing a crime was "torture" for her brother. She said he was often too scared to seek help with his mental health or addiction in case probation used it against him. She told the coroner's court: "The IPP sentence was not a matter of going to prison and doing time but a sentence for life. It made Francis paranoid, isolated and scared to be around other people when he was most vulnerable." The last

time Williams met his probation officer, he was very agitated on the phone to his sister, who said he told her: “Just like that, with a click of her fingers, my life could be over.” In the end, his fears were proven right. “The things he was petrified of actually happened on that day,” Rodrigues said. “It’s heartbreaking because the things he was being recalled for were not crimes. Nobody goes to prison if they’re homeless or drunk.” Rodrigues wants the system to change for those still on IPPs. “It’s like you’re guilty before you’re innocent. You’re going to be punished because of what you might just do ... It’s a very unfair, inhumane system.” Williams’s aunt Susan Range, 67, said IPP was “psychological torture” for him. “He’s paid the ultimate price,” she said. Philip Rule KC, who represented Williams’s family in court, said: “Francis’s death is yet another avoidable tragedy generated by the failure of parliament or ministers to address the cohort of people given an IPP sentence over a decade ago and who are still living with it.”

Changes announced by the MoJ last year mean those on IPPs who have not reoffended in the last five years will automatically be released from them, but there are many to whom it will not apply, including those still in prison. The family’s solicitor, Olivia Coffey, of Hodge Jones and Allen, said; “Whilst the IPP sentencing regime has been abolished, there are thousands of individuals presently in the same situation that Francis was – that is, being left with the possibility of indefinite recall to prison whilst trying to move forwards with their lives despite this. “Sadly, this is not the first time someone has taken their own life when faced with the prospect of being recalled to prison. Without these issues being properly addressed by the Ministry of Justice, it may well not be the last.”

Sussex police said their “sincere condolences go to the family and friends of Francis Williams” and noted that the inquest did not find that their actions had contributed to his death. An MoJ spokesperson said: “Our thoughts remain with the friends and family of Francis Williams. These sentences are a stain on the justice system, which is why we’ve taken decisive action to curtail licence periods for IPP offenders and give rehabilitated people the opportunity to move on with their lives. We have also improved the mental health support in place for IPP offenders living in the community who are at risk of self-harm or suicide.”

### **Foreign National Offenders, Prisons and Probation**

Alex Chalk, Lord Chancellor and Secretary of State for Justice

Our plan to cut crime and keep the public safe is working. Violent and neighbourhood crime have reduced by over 50% since 2010, and the reoffending rate is down from 31% to 25%. We are locking up more criminals for longer: over the past decade, the average time offenders spend behind bars increased by more than 40% and rapists now go to prison for nearly three years longer, on average, than in 2010. We have already ended Labour’s automatic halfway release for serious sexual and violent offenders so they will serve two-thirds of their sentence behind bars. We are currently legislating so that rapists serve the full custodial part of their sentence behind bars and to ensure that life means life for the most horrific murderers. Toggle showing location of Column 5WS

We will always ensure we have sufficient prison capacity to lock up the most serious and dangerous offenders. We are on track to deliver 10,000 new prison places by the end of 2025 and have a long-term commitment to build 20,000 new prison places overall—the largest prison building programme since the Victorian era. In addition, we are doubling up cells where it is safe to do so.

We need to go further to ensure we can continue locking up serious and violent offenders for longer. The number of foreign national offenders (FNOs) has increased over recent years and now makes up over 10,000 prisoners in England and Wales—about 12%—at an average cost to the taxpayer of £50,000 per year, reducing the capacity of the prison system. These

are people who should be removed back to their own countries of origin wherever possible. We have made progress: last year the Government returned nearly 4,000 FNOs from prison and the community, a 27% increase compared to the year before.

In January, the Government extended the early removal scheme from a maximum period of 12 months to 18 months, so eligible FNOs can be deported up to six months earlier. Almost 400 FNOs have already been removed from the UK via this scheme since January—a 61% increase compared to the equivalent period a year earlier. We have also signed a robust new agreement with Albania which has restarted transfers of Albanian FNOs, and we are legislating in the Criminal Justice Bill to enable prisoners to be transferred and held in rented prisons overseas, as several EU countries have done. We must now build on this progress by ensuring that even more FNOs are removed from the country as quickly as possible and spurious barriers to removal are quickly dismissed, so we will: Radically change the way we process FNO cases—we have created a new taskforce across the HO and MoJ—including the prison service, immigration enforcement and asylum and modern slavery teams, surging 400 additional caseworkers to prioritise these cases who will all be in place by the end of March and streamlining the end-to-end removal process.

Expedite prisoner transfers with our priority countries such as Albania and conclude new transfer agreements with partner countries such as Italy. Be fully prepared to make use of the powers provided under the Nationality and Borders Act 2022 to restrict visas for any country where no progress on foreign national offender removals can be made. Amend our existing deportation policy to enable foreign national offenders given suspended sentences of six months or more to be considered for deportation under the Immigration Act 1971 on the ground it is conducive to the public good, enabling us to remove more foreign national offenders from the country. Bring forward an amendment to the Criminal Justice Bill to extend foreign national conditional cautions to foreign national offenders with limited leave. Currently, this type of caution can only be given to foreign national offenders who do not have leave to enter or leave to remain in the UK, enabling us to remove more foreign national offenders from the country. This will allow us to return almost double the number of FNOs directly from prison in 2024, compared to 1,800 last year, and make more returns of FNOs from prison than in any year since 2010, saving the taxpayer millions of pounds and keeping our streets safe.

We must also address the unsustainable growth in the remand population since the pandemic and Criminal Bar Association action. Since 2019, the remand population has increased by over 6,000 to more than 16,000 today, Toggle showing location of Column 6WS in part because we made the right decision for public protection and did not release tens of thousands of prisoners at the start of the pandemic, as many other countries did. We also made the right decision for access to justice and refused calls to scrap trial by jury. This has placed additional pressure on the prison estate and on the criminal justice system as a whole. The Lady Chief Justice has confirmed that if bail applications are made to the magistrates’ court or renewed before the Crown court, the courts remain ready to hear them within the short time limits provided for in the criminal procedure rules. We are also exploring at pace with the senior judiciary the roll-out of a remote nationwide pilot Crown court capable of hearing new bail applications. The pilot would monitor whether these additional measures result in an increase in the use of tagging and appropriate support packages in bail applications.

In order to support this, the Government will invest £53 million additional funding to expand the Bail Information Service, part of the productivity package the Chancellor announced at the Budget. This will enable our court system to be more efficient by increasing the court-based staff and digital systems that can provide critical information to the judiciary, making the bail process more efficient. To support this work, a further £22 million of additional funding will be available in 2024-25 to fund community accommodation. We will also increase awareness about the availability of tags, espe-

cially high tech GPS and alcohol monitoring tags, to ensure that offenders can be monitored in the community. We will also extend the existing end-of-custody supervised licence measure to around 35 to 60 days. We will enable this to happen for a time-limited period, and work with the police, prisons and probation leaders to make further adjustments as required. This will only be for certain low-level offenders. Where necessary, electronic monitoring will be applied, enhancing public protection. Ministers will continue to keep the use of this measure under review.

These measures all rely on a probation service that can focus its attention on the most critical points of the justice system, especially when an offender is first released from prison. In 2021 the Government created the unified probation service, which brought together all of probation into a single national organisation. We have invested £155 million of extra funding each year in the service and onboarded over 4,000 trainee probation officers since then. That is why we will be taking steps to refocus probation practice on the points that matter most to public protection and reducing offending. From April, we will reset probation so that practitioners prioritise early engagement at the point where offenders are most likely to breach their licence conditions, allowing frontline staff to maximise supervision of the most serious offenders. Similarly, for those managed on community orders and suspended sentence orders, probation practitioners will ensure intervention and engagement is prioritised towards the first two-thirds of the sentence, as experience shows that this most effectively rehabilitates offenders. We express our deep gratitude for the efforts of all those working in the criminal justice system: prisons, probation and courts staff, the police, prosecutor/ lawyers/judiciary. They deserve credit for their enormous commitment and professionalism in their vital work to keep the country safe.

#### **Home Office to Accept Calls for Inquiry Into Asylum Seeker Centre**

*Rajeev Syal, Guardian:* The Home Office is to concede to demands for a statutory inquiry into alleged assaults and mistreatment of asylum seekers at Manston processing centre, Whitehall sources have told the Guardian. The move comes after the government spent a year fighting off demands in the courts for an independent figure to investigate chaos, which led to claims of violence, drug dealing and filthy conditions at the Kent camp. It could lead to the former home secretaries Priti Patel and Suella Braverman being compelled to give evidence over the political decisions that led to overcrowded conditions in 2022. Sources have claimed that the government was forced to drop its opposition to an inquiry after the decision not to reappoint David Neal, the borders watchdog. He was due to contribute in advance of a judicial review hearing on 21 March but his evidence remained incomplete after he was sacked from office last month.

The decision to concede to a public inquiry is expected to raise questions over why the government has wasted public money defending a judicial review. Lawyers for asylum seekers have demanded that the statutory inquiry must include powers to compel the production of documents, attendance of witnesses, public hearings and funded legal representation. Manston, just outside Ramsgate, accommodates adults and children who arrive on small boats in a series of marquees. In the autumn of 2022 the facilities were built to house 1,600 people for a maximum of 24 hours. But conditions deteriorated with up to 4,100 people held there, many for several weeks.

During that period, there was a series of serious incidents, including the death of a man who contracted diphtheria amid a mass outbreak. Asylum seekers were living in overcrowded tented accommodation with inadequate sanitation and washing facilities, it was claimed. They had inadequate access to healthcare and there were alleged safeguarding failures over children. There were several claims of assault and racist abuse, while others claimed that some people were handcuffed to stop them from self-harming. Many asylum seekers said they were unlawfully detained in holding room

facilities and there were failings in screening and other safeguards designed to minimise the detention of people who were at risk of serious harm. The allegations of racist abuse at Manston have been referred to in legal claims, but it is understood that details of the abuse have not been released publicly. The details are expected to be released to the inquiry.

The deteriorating conditions resulted in Home Office briefings in November 2022 claiming that Patel, the former home secretary, was to blame for pausing the process of finding hotel rooms for new arrivals by small boats. Patel responded by saying she was considering legal action against the Home Office after the “unfounded” briefings sought to blame her for decisions made under her successor, Suella Braverman. Lawyers for a group of asylum seekers wrote to Braverman demanding a statutory inquiry in November 2022. As a result, Neal, the independent chief inspector of borders and immigration (ICIBI), was asked by Braverman to investigate whether there had been a breach under the European convention on human rights.

In May 2023, asylum seekers issued judicial review proceedings with the ICIBI added as an “interested party”. However, Neal was told in September 2023 that his three-year contract would not be renewed. A judicial review hearing was due to take place on 20 March this year, but there was no successor to Neal to represent the ICIBI. The Home Office said: “Since 2022 we have overhauled Manston and made significant improvements to key areas of the site including the processing, sleeping, catering and healthcare. Despite record pressure on the asylum system, we have reduced small boat crossings by more than a third and have a clear strategy to process and accommodate migrants arriving in the UK illegally.”

#### **US Murder Accused's Legal Bid Against Extradition From NI Fails**

An American man wanted over a drugs-related killing in Florida has lost a last-ditch legal bid to avoid extradition from Northern Ireland. Jonah Horne, 28, faces a charge of second-degree murder over the fatal shooting of another man in 2016. He has been in custody at Maghaberry Prison since his arrest in Lisburn, County Antrim, in March 2017. His final appeal against extradition was dismissed by the European Court of Human Rights on Tuesday 12th March. Judges sitting in Strasbourg rejected Mr Horne's claims that, if convicted, he would be exposed to the real risk of life imprisonment without parole. With all attempts to block extradition now exhausted, he is expected to be flown back to the United States within the next 28 days.

#### **Stakeknife: Britain's Spy in Ireland Who Got Away With Murder**

*Anne Cadwallader, Declassified UK:* Veterans of undercover operations claim that colluding with terrorists is sometimes necessary for the greater good. Now a new report shatters that myth. Over decades of bloody conflict in Northern Ireland, a near sacred mystique grew up around the intelligence services. Spoken of in reverential tones, largely unaccountable and unscrutinised, they were depicted by the media as an omniscient elite. A description, for example, selected at random online, of a book on the “intelligence war”, turns this up: “The men and women who work in this field are a special breed who undertake hazardous risks with unflinching tenacity and professionalism”. With publication of the interim report of “Operation Kenova” on Friday, that myth crashed to earth. It revealed a squalid, boastful yet tragic reality – more Keystone Cops than James Bond.

Operation Kenova, led by police chief Jon Boutcher, has spent the last seven years, and £40m, investigating 101 murders and abductions linked to the British military double-agent known by the code “Stakeknife” – aka Freddie Scappaticci. He was a Belfast man of Italian extraction who headed up the IRA's “Internal Security Unit” (or “nutting squad”). An army commander in Northern Ireland,

General Sir John Wilsey, called him the “goose that laid the golden eggs”. This prized agent, who the intelligence services had slavishly protected for years and credited with saving “hundreds of lives” by supposedly penetrating the IRA’s inner circle, is now exposed as a third-rate illusion.

Within the intelligence services, a “maverick culture” was created, Boutcher says, where agent handling was considered a high stakes “dark art” that was practised “off the books”. Decades of grief, anguish and agony were the result, suffered by the families of those whom Scappaticci decided must be killed – their names forever tarnished in the eyes of their community. The IRA stood Scappaticci down, under suspicion, in 1990. He was “outed” in 2003 and moved from Belfast. He died in 2023 (Boutcher assures us of natural causes, denying conspiracy theories that he is still alive).

*Cost More Lives Than He Saved:* One of the report’s most serious conclusions is that the impunity (enjoyed by Scappaticci, his handlers and others) was discussed at Cabinet level during the conflict and continued, without regulation or legal framework, until six years after the IRA ceasefire of 1994 and two years after the 1998 Good Friday Agreement. Once the “rose-tinted spectacles”, the “fables” and the “fairy tales” are dispensed with, the Kenova Report concludes Scappaticci probably caused more deaths (around 14) than he saved – a figure assessed at between “high single” and “low double” figures. Kenova passed 32 files recommending prosecution for murder, kidnapping and torture to the Public Prosecution Service of Northern Ireland (PPSNI) but no-one will be charged after “glacially”-slow consideration by that office, although this clearly rankles with Boutcher.

Those he accuses in his report of serious crime are unnamed but include 16 IRA members, 12 retired military intelligence officers, two MI5 people, a former police officer and a member of the PPSNI itself. Civil actions, yet to pass through the courts, may reveal their details. Boutcher pulls no punches in his coruscating report, condemning the IRA for using torture to obtain “confessions” and for brutalising, inter alia, children, vulnerable adults and people with learning difficulties. The extent of inter-agency rivalry can be seen when Boutcher reveals that one MI5 officer gave his opinion that Stakeknife’s handlers in the army’s Force Research Unit (FRU) were “Gung ho”. Boutcher cites a commanding officer in the FRU, returning the serve, claiming everything it did was known to MI5.

When observing the record of the Royal Ulster Constabulary (RUC) Special Branch, Boutcher characterises it as a self-serving “cabal ... fiercely resistant to any form of scrutiny or oversight based on claims about a paramount need for secrecy”. It was routine practice, he says, for Special Branch to treat intelligence as its own property, refusing to share it with criminal investigators, even if that meant offenders going free. This meant the greater good, “maintaining a stable and democratic society”, was eroded by state agents committing crimes with impunity.

*Getting Away With Murder:* Although little in Kenova is truly shocking for seasoned observers of what passed for law and order during the conflict in Northern Ireland, it is nevertheless deeply depressing to see, in black and white, a conclusion that “murders that could and should have been prevented were allowed to take place with the knowledge of the security forces and those responsible for murder were not brought to justice.” Scappaticci himself emerges from the report, not as a redeemed terrorist who took risks to save life but as a sordid torturer and executioner found to be using extreme child pornography.

On a more positive note, Boutcher claims his report shows independent, robust legacy investigations can bring relief and consolation to grieving families. Reconciliation without such investigations, he says, is impossible – a dig at the British government’s recent Legacy Act. Anyone

hoping these Augean stables have finally been cleaned by Boutcher’s yard-brush should think again. Another investigation, dubbed “Operation Denton”, also conducted by him over the last five years (before his elevation as Chief Constable of the Police Service of Northern Ireland) is continuing under the former head of Police Scotland, Iain Livingstone. This investigation, due to report later this year, is reviewing state collusion with loyalist paramilitaries in the murders of ten times the number of people whose deaths were linked to Scappaticci.

### **How the BBC Lost Its Nerve Probing Organised Crime**

The popular series *Gangster* was set to feature the notorious Gunn brothers and the even bigger Robert Dawes, a drug trafficker known as the El Chapo of Europe. Midlands-based investigative reporter, Carl Fellstrom, who’s been threatened by both, was the consultant with all the knowledge and contacts. He convinced local victims to give interviews only to learn the series has been shelved after the BBC spoke to David Gunn and got the willies. The decision has left the reporter and his sources feeling betrayed by the broadcaster’s curious lack of bottle given the subject matter. Or, as Fellstrom puts it: *“What’s the point of a programme called Gangster if you don’t feature ones that are actually active and still having an impact on communities. There is a duty of care but the actions of the BBC will merely embolden organised crime in the area to think their word is the law.”* The point, it seems Carl, is to make true crime podcasts that give audiences the illusion of knowledge and jeopardy that elicits social media vomit along the lines of, ‘You’re so brave’ This inside story of what happened when the BBC’s much-vaunted series went to Nottingham comes as the team behind *Gangster* are nominated for “Outstanding Investigative Reporting” and “Best Serialised Podcast” at the True Crime Awards, the latest industry love in celebrating the, er, telling of victims’ stories.

### **Met to Pay £10,000 to Woman Detained Overnight After Sarah Everard Vigil**

The Metropolitan police has agreed to pay £10,000 in damages to a woman arrested at the Sarah Everard vigil in Clapham, her solicitors have said. Jennifer Edmunds was detained overnight and charged with breaching Covid restrictions at the Clapham Common gathering on 13 March 2021, said Bhatt Murphy Solicitors. The solicitors said the charges were dropped 15 months later, and Edmunds sued the force for breaching her human rights, false imprisonment, assault, misfeasance in public office and malicious prosecutions. The legal settlement was reached on 5 February this year after proceedings issued at the mayor’s and City of London court, they added. Edmunds said she will split the damages with pro-Palestinian protesters “who have also been victims of police”. She said: “While I am relieved for this to finally be over, three years after Sarah Everard’s death, and almost three years after I was threatened with criminal charges for exercising my inalienable right to protest her murder, in that time I have also seen the state clamp down yet further on our collective freedom to assemble and demand change.” The Met was heavily criticised for how it policed the gathering held to protest and mourn the kidnap, rape and murder of Everard, 33, by a serving officer, Wayne Couzens. A planned socially distanced event proposed by Reclaim These Streets was cancelled when organisers were threatened by the force with £10,000 fines. However, people turned up throughout the day, including the then Duchess of Cambridge. By the evening, hundreds of people had gathered and refused to leave when asked by police, leading to clashes. Erica San, solicitor for Edmunds, said: “The Met’s heavy-handed and insensitive policing of the Clapham Common vigil was a reflection of the institutional misogyny that the Casey review sought to expose. Photographs circulated of women being handcuffed on the ground, sparking anger.