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'Deprived Background' Sentencing Guidelines in Force

Law Gazette: New sentencing guidelines have come into force, despite a 'predominately negative' response from judges and magistrates when they were proposed. The guidelines introduced a new mitigating factor which courts should consider when sentencing offenders: judges and magistrates should now take account of the 'difficult and/or deprived background or personal circumstances' of offenders. Such disadvantages include but are not limited to: experience of discrimination; negative experiences of authority; early experience of loss, neglect or abuse; negative influences from peers; low educational attainment; insecure housing; mental health difficulties; poverty and being a direct or indirect victim of domestic abuse.

The change has attracted commentary in the national press, with a Daily Telegraph leader column today calling the criteria for judging disadvantage 'subjective'. 'Lawyers for alleged offenders will have a field day exploiting these factors to reduce the sentence for their clients', it states. In focus group discussions during a consultation about the possibility of introducing this mitigating factors, views 'were predominantly negative or neutral from judges and magistrates', the Sentencing Council has revealed. Concerns relating to the new factor included that 'it covered the large majority of offenders being sentenced, the link to mitigation for some of the factors was not clear' and that it was 'inappropriate or too broad'. Respondents had 'a general feeling that a new mitigating factor was not necessary as sentencers took these matters into account already', the Sentencing Council wrote in a report on the consultation to the proposed amendments, published in September. But the minority who shared positive views on the factor suggested it was useful and liked the way it clearly listed what to consider, it added.

Following the consultation, the Sentencing Council did make a change, which was to clarify one disadvantage which had read 'misuse of drugs and/or alcohol'. Some magistrates felt the reference to misuse of drugs or alcohol conflicted with the aggravating factor 'commission of offence under the influence of alcohol or drugs'. The disadvantage on the final guidelines reads 'difficulties relating to the misuse of drugs and or alcohol (but note: being voluntarily intoxicated at the time of the offence is an aggravating factor)'.

Prison Reform Blog: Family Connections

As previously demonstrated through a blog, published by PRT in August 2023, Child Impact Assessments can be helpful at sentencing. The blog tells Steph's* story. Her children were eight and 13, and they each completed a Child Impact Assessment with their social worker. These were submitted alongside the Pre-Sentence Report (PSR), and Steph received a non-custodial sentence, rather than the time in prison she had been expecting and fearing. Steph continues to receive support in the community, as do her children, and the family has stayed well connected with each other and with support agencies.

Since embarking on the implementation phase of this work, I have been asked multiple times about the use of Child Impact Assessments with very young children and babies and children with special needs who have limited, or no, language. As a framework of support, Child Impact Assessments were designed to be used as flexibly as needed to hear the voices of children and ensure these voices are considered in decision-making processes. But how does this work in practice when children are unable to put their thoughts and feelings into words? In January 2024, I was invited to attend a Family Connections project team meeting to discuss exactly this. Developed by Emma Conduct from Kent Surrey and Sussex Probation Service in partnership with The Maslow Foundation, and Sussex Prisoners' Families, the project's aims include: Deploying practitioners with the specialist skills needed to work with women during a PSR adjournment period. This will ensure the impact on children is given greater prominence in PSRs and is more likely to be considered in sentencing decisions. Strengthening the PSR process by integrating the use of Child Impact Assessments to provide sentencers with as full a picture as possible of the impact of a custodial sentence on a mother's children. Ensuring support for women and their children is provided at the earliest opportunity.The team was discussing the case of Annie*, the sole and primary carer of Harlow* (aged three) and had questions around how to undertake a Child Impact Assessment with such a young child. As in Steph's story, it was clear that there were very positive relationships between Annie and the practitioners supporting her as well as very effective inter-agency partnerships; each knew their role and had the best interests of Annie and Harlow at heart. They wanted full consideration of Harlow's needs to be considered by the court and were taking a gentle, kind, and holistic approach to their support for Annie and Harlow.

As well as Harlow's social worker and the Sussex Prisoners' family worker, it was felt nursery staff caring for Harlow would have an important input into the Child Impact Assessment. While the questions provided in the framework are not designed for children so young (or for those who may have limited, or no, language), the spirit of the questions (gaining an insight into how a child is feeling, what support might help them, and who is best placed to offer that support) can be encapsulated if a creative approach is taken. Nursery staff can use observation, craft activities, and very simple conversation to gain an understanding about a child's relationship with a parent.

"Even tiny babies can tell you how they are feeling. Midwives and health visitors can understand what babies are saying from their body language, the way they cry (or don't). It's about putting yourself in that baby's world and looking at all that's going on around them. For any child who hasn't developed speech, or doesn't have the vocabulary to describe their feelings, there is an added responsibility for the person completing a Child Impact Assessment to look much further than the child – to look at the relationships they have and their non-verbal cues of behaviours and attachments."

Professor June Keeling from the School of Nursing and Midwifery, Keele University. With in-depth insights from the social worker, Sussex Prisoners' family worker, the nursery manager and Harlow's nursery teacher, as well as some quotes from Harlow herself gathered from nursery activities ("I like doing things with mummy like walks, swings, farm and holidays."), the Child Impact Assessment presented a comprehensive picture of a happy, secure child with a strong and healthy attachment to her sole carer. A prison sentence would not only be devastating for Annie's outcomes (we know that prison does not work when it comes to addressing women's needs), such a disruption would also have a lasting impact on Harlow's emotional wellbeing and attachment development. The Child Impact Assessment was submitted to the court alongside the PSR, and Annie received an eight-month Suspended Sentence Order. "The Child Impact Assessment was very useful, and it is clear that there is a lot of love between mother and daughter and that Annie is a good mum to Harlow."

The Judge: This is not the end of Annie and Harlow's story; they will continue to be supported by a team of dedicated, hardworking practitioners who are committed to ensuring the best

interests of mothers and their children are considered by the court and their needs met in the community. Nor is it the end of the work on PSRs and Child Impact Assessments, for there is much still to do. As Emma Conduct has explored through qualitative research (publication forthcoming) with PSR authors, PSRs are sometimes written in a way which may not highlight women's dependents and caregiving responsibilities in sufficient detail for sentencers to carry out the balancing exercise, even if they are willing to do so. Discussing and exploring alternative carers for children should be a significant element of a PSR; the findings of Emma's research show PSR authors are struggling to accomplish this.

Furthermore, there will be no Child Impact Assessment submitted in most cases; this is despite the fact the UK has ratified the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders 2010 (known as the Bangkok Rules), which state that non-custodial sentences are preferable for women with dependent children and that, if a custodial sentence is absolutely necessary, this should only be given after considering the best interests of the child and ensuring that appropriate provision has been made for the child.

The Family Connections project is still in its infancy, but it is already changing lives. As Vanessa Webb, Chair of the Board of Trustees of The Maslow Foundation, says, "We were delighted about this positive outcome for Annie and Harlow and hope it serves as a powerful model for other families as our project develops." I for one look forward to hearing about more families receiving excellent interagency support like Family Connections provides and am hopeful that, through initiatives like this, fewer children will suffer the loss of a mother to prison.

Guildford Pub Bombings Police Criticised for Failing to Act After New Lead Emerges

BBC News: A lawyer for four people wrongly accused over the 1974 Guildford pub bombings has criticised police after new evidence emerged on the attack. Lawyer Alastair Logan said the timing of Surrey Police revealing the lead was "another attempt to avoid public scrutiny" on the Guildford Four. Officers will not launch a fresh inquiry before a new law comes in that would help shield perpetrators. Surrey Police have not yet responded to the criticism. However, the force said it remained committed to helping to achieve justice for the families of the five people who were killed in the bombings. Detectives had told families of victims that they had "identified a potential forensic line of enquiry and the next step would be a new criminal investigation", lawyers said. However, KRW Law said Surrey Police had stated it was not advancing any further investigations before the commencement of the Northern Ireland Legacy Act on 1 May. The act allows those involved with the conflict to seek immunity from prosecution.

Four soldiers and a civilian died in the blast in Guildford's Horse and Groom pub in October 1974. Another bomb detonated 30 minutes later at the Seven Stars. The Guildford Four and Maguire Seven were wrongly-convicted for the attacks in one of the UK's biggest miscarriages of justice. The Guildford Four were jailed for murder in 1975 and the Maguire Seven were convicted on explosives charges the following year. Mr Logan said: "The information given by Surrey Police has all the hallmarks of yet another attempt to prevent public scrutiny." He said that police "had evidence in 1974-5 that demonstrated that the Four were innocent" but actively concealed it. The criticism follows a plea for answers by the family of victim Ann Hamilton, who was a 19-year-old soldier when Guildford was hit. Ann's sister Cassandra Hamilton and her lawyers said there were questions over the nature of the new evidence, how long police have had it, when decisions were made and whether the force could and should continue its investigation. The other people who died in the attack were 21-year-old civilian Paul Craig

and soldiers Caroline Slater, 18, William Forsyth, 18, and John Hunter, 17. Sixty-five people were injured. The IRA's Balcombe Street unit admitted carrying out the Guildford and Woolwich attacks in the 1970s, but no-one else was prosecuted after the Guildford Four's release in 1989. The BBC has been shown, confidentially, the IRA confessions.

'How long?' Bridie Brennan, sister of wrongly-jailed Gerry Conlon, said police should reveal the nature of the evidence now. Mrs Brennan, 67, said: "It's almost 50 years and the longer it goes on, the more people are not going to be around here on this earth. "How long are we going to wait just to find out whether we are going to get the truth?" She asked how long it would take for police to reveal the new lead, adding: "They should say what evidence they have found." Gerry Conlon died in June 2014 aged 60 and Carole Richardson died of cancer aged 55. Paddy Armstrong continued to call for papers on IRA files to be released. Paul Hill has spoken to the BBC about his wrongful imprisonment in the past. The Guildford Four served 15 years before they were freed. Mrs Brennan's father, Guiseppe Conlon, one of the Maguire Seven, died in jail.

Surrey Police said in November 2022, that following consultation with Counter Terrorism Policing, it was agreed its new line of inquiry should be progressed. Deputy Chief Constable Nev Kemp said police were aware of draft legislation but continued to assess the case after an inquest concluded in 2022, and submitted items for forensic analysis. He said forensic results came back in August 2023, but the enactment of the Legacy Act a month later meant there was "no prospect of reaching the stage of prosecution by the deadline of 1 May".

Katrina Walcott Secures Unanimous Acquittal

Her client faced trial at Inner London for one count of sexual assault. It was alleged that AE groped the complainant as they exited a busy lift at London Bridge station. The Crown's case relied on CCTV footage and the live evidence of the complainant. AE's defence was that he did not intentionally touch the complainant. Through cross-examination, the defence were able to adduce from the complainant the possibility that the touching was accidental. It was also conceded by the complainant that the touching did not, "by her definition", amount to a sexual assault. The case also involved a Section 78 application to exclude unfair evidence. AE was unanimously acquitted after just under 2 hours of deliberation.

What is The Government Trying to Hide About British American Tobacco (BAT)?

Andy Rowell, Declassified UK: Tobacco kills more than eight million people each year, and up to half the long-term users die from the addictive product. However, BAT has also been accused of other nefarious activities stretching back decades. Rishi Sunak claims he wants a smoke-free generation but is failing to rein in Britain's biggest tobacco company, into which a Serious Fraud Office investigation was 'inexplicably' dropped. At last year's Conservative party conference, Sunak declared the UK government planned to increase, year by year, the legal age of smoking to achieve a "smoke-free generation". The announcement gave the impression the prime minister was taking on Big Tobacco. However, the UK has consistently failed to rein in the activities of Britain's biggest tobacco company, British American Tobacco (BAT), which predominantly operates overseas. BAT is a blue-chip company, one of the few genuinely transnational British businesses. Operating in some 180 countries, BAT says it is "one of the world's most international businesses". Although it claims to be developing a new brand of "safer" non-tobacco products, last year, BAT sold over 600bn cigarettes with brands such as Dunhill, Kent, Lucky Strike, Pall Mall, and Rothmans.

In 2000, the Guardian, working with the International Consortium of Investigative Journalists, reported that BAT "condoned tax evasion and exploited the smuggling of billions of cigarettes in a global effort to boost sales and lure generations of new smokers". At the time, Conservative grandee Kenneth Clarke, then deputy chair of BAT, "admitted" the company was supplying cigarettes "knowing they are likely to end up on the black market". Such was the political outcry about the smuggling scandal that the Department of Trade and Industry ordered an inquiry into BAT. Twenty years later, this report remains wrapped in secrecy, despite attempts to gain access via Freedom of Information laws.

What are Successive Governments Trying to Hide? Secret bribes: In 2015, the BBC aired "The Secret Bribes of Big Tobacco" based on documents from whistleblowers, predominantly Paul Hopkins, who had worked for BAT for 13 years in Kenya. Journalists and researchers had spent months ploughing through tens of thousands of internal BAT documents which covered its activities in ten countries in Central and East Africa. The documents appeared to show BAT was paying bribes to MPs and public officials, and to damage local rival companies. One email concerned a civil servant working on a public health law called the Tobacco Control Bill. The official proposed making changes on behalf of BAT. "The guy can accommodate any amendments before the president signs," it read. The documents also revealed BAT staff using aliases and private email accounts and even included a "black ops" spreadsheet of covert payments. A later detailed analysis suggested there had been at least 236 payments totalling over $600,000, targeting over 50 politicians, competitor staff, journalists, civil servants, and even one magistrate. Serious fraud: In the days that followed the BBC broadcast, Hopkins went with his lawyer to see the Serious Fraud Office (SFO).

For 18 months, a team from the SFO poured over his evidence. Finally, in August 2017, the SFO announced it was launching a formal criminal investigation into the company, including "suspicions of corruption in the conduct of business by BAT plc, its subsidiaries, and associated persons." According to SFO insiders, it is only after evidence has been presented to an external QC who believes there is a high chance of securing a conviction that the SFO goes public with a formal criminal inquiry. The BAT case was handed to a new criminal investigation team.

BAT instructed the international team at law firm Slaughter and May for its legal defence. Ironically, in 2018, the former head of the SFO, David Green, who had instigated the BAT inquiry, went to work for Slaughter and May. Although the appointment raised eyebrows, it was announced that Green would not work on issues relating to the SFO. Slaughter and May are specialists in securing Deferred Prosecution Agreements (DPAs). The company advised Rolls-Royce over its £497m plus interest DPA with the SFO in January 2017. Dropping the investigation: DPAs are increasingly being used by the SFO as a route to settle investigations. You can see why both parties might be in favour. The SFO secures a fine but avoids the risk and expense of a lengthy trial. For the defendant, it's the equivalent of legal telling off, but without a criminal conviction.

Officially, the SFO never comments publicly on a case but by 2018 it was understood that it was looking at two options: either going to trial or a DPA with BAT. Suddenly, in January 2021, the SFO announced it was dropping the BAT investigation. "Following extensive investigation and a comprehensive review of the available evidence", the SFO said "it had "concluded its investigation into British American Tobacco, its subsidiaries and associated persons." The formal reason given was that "the evidence in this case did not meet the evidential test for prosecution as defined in the Code for Crown Prosecutors." The investigation, which had lasted 18,000 hours and cost UK taxpayers over £2.3m, was binned.

Spy network: The SFO's capitulation may well have led to corks popping at BAT's headquarters at Globe House in London, but it perplexed the company's critics. One was Johann Van Loggerenberg, who had spent nearly 16 years working for the South African Revenue Service (SARS) investigating BAT's murky activities in the region. Van Loggerenberg is a meticulous and forensic investigator who had been investigating tax evasion and smuggling in the country's tobacco industry. South Africa is one of BAT's most important markets where it controls 70 percent of sales, and its factory is the eighth biggest globally. BAT has been locked in a battle with smaller manufacturers who want a slice of the lucrative market for years. Van Loggerenberg and SARS had also uncovered other questionable activity, though. BAT was using Travelex cards to pay the company's informants in South Africa, which BAT was coordinating in London. SARS had identified eight individuals working with BAT in South Africa who had received Travelex payments and believed the transactions broke South African anti-money laundering legislation.

One of those paid was a triple agent, who was working for BAT's competitors, the South African state security agency, and BAT itself. In addition, there was also a second spy network of some 200 "special informants" used to spy on and undermine BAT's competitors. Some of those informants were directly controlled and paid cash by senior staff from Globe House.

Ignored by the SFO Van Loggerenberg had communicated with the SFO about coming to the UK and giving evidence about what he knew about BAT's activities. Still, inexplicably the law enforcement agency never followed through with him before throwing in the towel. He was not the only person the SFO ignored. The ex-SARs official was one of several new witnesses and whistle-blowers who appeared in the BBC's second Panorama programme on BAT, aired in September 2021. The new programme included accusations of illegal activity, including spying and espionage, bugging phones and paying "bribes to sabotage its rivals". The documents showed that BAT signed off on $42.6m for surveillance. The programme also outlined how BAT had secured access to police files and even traffic security cameras to spy on and undermine competitors. Another whistle-blower interviewed, Francois Van Der Westhuizen, who had worked for a private security company contracted by the tobacco giant, said "BAT knew" its activities were "illegal". One of the most eye-catching accusations was that BAT had "been involved in negotiations to pay between $300,000 and $500,000" to the Zimbabwean dictator Robert Mugabe.

Why was the case dropped? In response, BAT said that it was not unlawful to pay for information relating to criminal activity and that it "emphatically rejected the mischaracterisation of our conduct." BAT's efforts were aimed at "combating illicit trade" and "helping law enforcement". It did not comment on the Mugabe bribe. In the immediate aftermath of the programme, there were calls from both inside and outside the British parliament for the SFO to reopen its investigation. Although the government said the SFO would "review and assess" the evidence, nothing happened. Those interviewed by Panorama said they were prepared to speak to the SFO, but the offer was never taken up.

There are several reasons why the SFO may have dropped the BAT investigation. Firstly, the SFO is just not fit for purpose and was outgunned by BAT's deep pockets. Despite the SFO using Section 7 of the UK Bribery Act to investigate BAT, one legal expert pointed out it "has opted never to prosecute corporate offences using Section 7 of the Bribery Act where a company indicates it may resist." Secondly, a year before the SFO closed its investigation, a meeting was held between senior South African law enforcement officials, including the National Director of Public Prosecutions, a senior official from the Prosecuting Authority, the head of the SFO, and a Crown Prosecution Service lawyer seconded to the UK's Department for International Development (DFID). It is unknown what happened at the meeting, as both

the SFO and Foreign Office, the body overseeing DFID, have refused to release correspondence and minutes. It is plausible the South Africans told the British to stay off their patch, as they did not want any criminal investigation to interfere with their major inquiry into state capture. Or finally the British found it too politically sensitive. Maybe the case was just too embarrassing for the British state and its revolving door to a corporate giant.

Fines: There are calls for changes to the SFO. “It has been clear for some time that there’s a chronic weakness in the enforcement of serious fraud in the UK,” Lisa Nandy, now shadow minister for international development, said in 2021. “The odds are stacked in favour of those who break the rules, rather than those who make them”, she added. Only time will tell whether an incoming Labour government will make good on tackling this chronic weakness. Meanwhile, other law enforcement agencies continue to hold BAT to account. Earlier last year, BAT paid $635m to the US Department of Justice for violating US sanctions on North Korea.

“Other law enforcement agencies continue to hold BAT to account” The agreement reached with the US authorities was a Deferred Prosecution Agreement. Just days before Sunak’s speech, the Bangladesh authorities demanded BAT pay monies owed for “evading tax”. A recent academic paper examined BAT’s Iranian operations, including potential complicity in smuggling and other questionable business activities. It noted that “In the context of the recently uncovered scheme in North Korea, a business model akin of BAT in Iran may warrant further examination.” Last December, a Dutch court ordered the tobacco giant to pay a fine of €107m for under-declaring profit by €1.8bn.

And just after Christmas, the Nigerian Federal Competition & Consumer Protection Commission ordered BAT to pay $110m for a “range of infringements” relating to the country’s laws. The fine is the highest ever levied by the Commission, which will now monitor BAT’s activities for a further two years. As other regulators take robust action, the SFO’s actions remain a mystery, especially its failure to interview key witnesses before dropping such a high-profile case like BAT. Speaking to Declassified, Van Loggerenberg said: “It is inconceivable that a governmental law enforcement agency in a developed country, especially one such as the SFO, with a long history of thoroughness, would simply close a case without having considered all the facts and evidence. I don’t understand this.”

Family Courts Not Fit For Purpose - 'intimidate' Domestic Abuse Victims

Northern Ireland's most senior judge says she's open to the possibility of reform in family courts. Dame Siobhan Keegan said she doesn't want "a mystique about family courts sitting in private" and "making decisions the public don't understand". Her comments come as some victims of domestic abuse described their court experiences as intimidating. One woman who spoke anonymously to BBC News NI said: "I don't trust the court system." BBC News NI has spoken to three people about their experiences of the family courts.

I Was Accused of Fabrication - Janet, not her real name, says her claims of domestic abuse against the father of her child weren't taken seriously by the family court. "There was emotional and verbal abuse in our relationship and there was the threat of physical abuse. After we separated he was intimidatory and I was red flagged as a serious case of domestic abuse and had a non-molestation order in place. One day a police officer turned up with a summons to a family court. When we got there the judge basically said the non-molestation order was gone, adding: 'We don't need it' and I was accused of fabrication. I was never asked about the abuse; it wasn't entertained as relevant." Janet was keen to point out that she had never been involved with social services, adding that her older children have a "normal relationship with their father". She now finds herself sending her

distressed child to their father. "To this day my child doesn't want to go to him, sometimes they come back with bruises. I don't have faith in any of it anymore. No one has ever been interested in my concerns about my child's safety. It feels like contact at all costs."

She Chased me Around the House With Knives - A male victim of domestic abuse, Tommy, also spoke to the BBC about his experience fighting for custody of his child. "My ex lost someone and she started to go downhill, she began blaming me for everything; punching me in the face, biting me, standing over me with a knife while I slept, chasing me around the house with knives, threatening to kill me and herself. I got to the point I was afraid to come home, our little child was subjected to seeing all of this many times." I eventually got a non-molestation order and my ex had to leave the house while our child stayed with me. We ended up in family court and my ex now has more contact than me, at this minute our child is mainly with my ex, who is unstable. I felt like a fool. I felt judged and intimidated by the court."

What are Family Courts? There are 12 family courts across Northern Ireland which make thousands of decisions every year. The courts are closed to the media and the public, though England and Wales have recently piloted a reporting scheme. Judges rule on issues such as adoption, divorce and child custody. Dealing with private legal issues around custody and parental contact takes up a lot of court time. In Northern Ireland in 2022, the family courts dealt with 4,489 of such cases out of a total of 13,823 cases that year. These cases often involve allegations of domestic abuse, but the Department of Justice was unable to tell BBC News NI how many. There has been criticism of family courts - and calls for greater transparency - for decades. A 2020 government report on how family courts in England and Wales deal with domestic abuse found numerous problems and recommended cultural change and reform.

I Knew my Child Wasn't Safe - Jane, another woman who spoke to the BBC anonymously, said her ex-partner "was abusive through our marriage. After we separated, despite my attempts to keep things easier between us, he physically assaulted me in front our child. I knew I had to put something in place for my own safety." Eventually things went to court: "I naively thought the family court would reduce some of the issues." The court put in a place a contact order for the father to see the child: "When our child was with him I knew he wasn't safe, I knew he was often left alone and he came home upset. My ex has used this process. I do wonder where my rights are. I was identified as a high-risk domestic abuse case and it meant nothing. I don't trust the court system. For me the court is as much a perpetrator as he is."

What Has Been the Reaction? Joan Davies, chief executive of Family Mediation NI (FMNI), said the court system is "not fit for purpose for 21st Century family issues". FMNI provides confidential family mediation throughout Northern Ireland. Ms Davies said the organisation believes that poorly managed separations, domestic abuse and coercive control are currently at "epidemic proportions". "We feel the courts alone are not equipped to deal with it," she added. A key concern is that "all the different departments are working in silos". Ms Davies said: "There needs to be not one change but all the departments working together because this is a societal issue, it's not a family justice issue only."

When asked about some of the experiences of domestic abuse survivors, Lady Chief Justice Dame Siobhan Keegan said she was committed to judge training in this area. "I'm sorry to hear that people think, for instance, that non-molestations aren't taken seriously in courts because that wouldn't be my experience and it certainly wouldn't be my guide. Obviously not everyone has the same experience, and you're dealing with a few people that haven't had a good experience, and I'm sorry about that too," she said. think the courts

have become more adept at seeing the signs of coercive control or people trying to manipulate the court." Dame Siobhan said reform of the system was on her agenda "to look at".

A statement from the Department of Justice said minister Naomi Long "is keen to look at how the transparency of family courts could be increased. However, the minister is also very mindful that family courts deal with the most sensitive and personal matters." The statement added that there is "no consensus of opinion on this matter." Due to the time remaining in the current mandate, "any potential legislative change would have to be progressed in the longer term".

When a Partner is Convicted of Sex Offences

I understand that most inmates will say it's their sentence and not their family's, and I wouldn't want to detract from the difficulties that inmates have to deal with on a daily basis. However, the challenges that the wives and partners face waiting at home cannot be ignored. In particular, when a partner is convicted of sex offences, it's incredibly hard to have a loving, supportive relationship through phone calls and emails, whilst at the same time, to friends and colleagues, almost having to deny the existence of the man you love the most. People on the street are judgemental and hold hostile views regarding these types of convictions. It is still a social taboo, and to even hint at the fact that you are supporting a loved one inside, can carry a heavy penalty, with social isolation and exclusion. More recognition needs to be given for women to have a voice and feel valued as they keep homes, businesses and families running in the absence of their men, oftentimes for years on end. It takes a great deal of strength from the women who navigate these tricky situations. There are many of us who are going through the sentence of two lives. Willingly supporting our men whom we love, whilst at the same time knowing that our commitment will be misunderstood. So we stay silent, like the dog that doesn't bark. We remain the inaudible backbone of the system that fails to recognise our significance.

Court Quashes Conviction of Syrian Asylum Seeker

The conviction of a man who fled Syria and claimed asylum in the UK has been quashed by the Crown Court, after being referred by the Criminal Cases Review Commission (CCRC). Mr B arrived at Heathrow airport in April 2015, after leaving Syria due to a requirement to join the army, and feared persecution if returned. He arrived in the UK without a valid immigration document, he was arrested and later pleaded guilty at Uxbridge Magistrates' Court to an offence under the Asylum and Immigration (Treatment of Claimants) Act 2004. The CCRC review of the case identified that Mr B had a statutory defence under section 2 of the 2004 act, namely a 'reasonable excuse' for failing to produce an immigration document. It is likely this defence would have been successful if he had been advised of its existence. The Crown Court allowed the appeal on 8 March 2024, after the CCRC referred the case on 26 January 2024.

Annual Cost of a Prison Place Rises Above £50,000

The overall annual running cost of the prison estate in England and Wales, which is facing a capacity crisis, has risen to £4.1 billion pounds. Of this, £3.5 billion is spent on directly managed public-sector prisons, with the other £0.6 billion going to establishments run by private contractors. The tables, covering the 2022/23 financial year, show that costs per head in directly managed prisons had increased by just over 11 per cent year on year. In contracted establishments run under Private Finance Initiative (PFI) contracts it had gone up by more than 13 per cent, while in privately-run establishments accounted for on a 'Manage and

Maintain' basis the increase was 38.9 per cent. The increase for all prisons averaged out at 11.4 per cent, reaching an average of £51,724 per prisoner per year. The overall rate of inflation, using the consumer prices index for the same period, was 7.8 per cent. 'Manage and Maintain' is a system where a private sector company runs the prison on behalf of the Prison Service, but the building remains owned by the Government. HMPPS say that these contracts are normally for 15 years, but can be cancelled in the event of poor service.

PFI was a scheme where the private sector designed, built, financed, and then operated a facility that otherwise the State would have had to construct. The cost of the building works was spread over the length of management contract, usually 25 years. At the end of the contract, the Government owns the building. Cancelling a PFI contract for poor performance before the contract term is up is complicated by the need to resolve outstanding construction costs. Whilst these different funding systems prevent a like-for-like comparison across all the nation's jails, there was a wide range in annual costs per head among those sites run directly by the Prison Service. For instance, looking at two Category A men's prisons, the cost per person at HMP Wakefield was £40,465 per year whilst at HMP Whitemoor it was £92,866 per year. Among young offender institutions, each place at YOI Wetherby cost £159,152 whilst each place at YOI Werrington cost £222,911. In London, the annual cost of a place at four major prisons – Brixton, Pentonville, Wandsworth, and Wormwood Scrubs – ranged from £26,000 to £31,000. At HMP Bedford the cost was £47,000. Each prison has its own circumstances, so the figures do not necessarily indicate efficiency levels, but they demonstrate the variety of costs across the entire estate that led to the overall figure of £4.1 billion.

Punished for Not Getting Involved

Dale A – HMP Berwyn: I'm currently serving an 11-and-a-half-year sentence and have been coming to prison from the age of 17. I am now nearly 30, and in all these years I have never heard such nonsense as this – that we are meant to get involved, to prevent fights from happening between other inmates. I have been given an Incentive and Earned Privileges (IEP) for this charge, stated as follows – "He was a witness to an assault yesterday and did not get involved to prevent this assault". If you ask me, this is ridiculous. Why am I going to get involved in preventing a fight, which then would have meant that the staff responding to the general alarm would have had me restrained, placed in handcuffs, returned to my cell, and placed on report?

I was just a witness to the fight. Now, today, I was placed on Basic for this incident. And when I challenged this, I was told to get involved next time. Why would I risk getting extra days, being looked at differently by wing staff, or having my privileges stopped? I'm not being funny, but it's not my job to stop a fight, as I have no badge or set of keys. It is the staff's job to prevent a fight from happening, not mine. I have also been in touch with 20-plus officers, and asked them whether I should get involved. Every single officer has replied that I did the right thing by not getting involved – and that in all the years that they have been working in the prison system, they have never heard such a stupid thing. What is my next step to address this? I have gone through the IEP appeal process with no success, and I feel I've been let down by the prison system.

Editor's Note: If you've exhausted the appeal process at your prison, you could write to Independent Prisoner Complaint Investigations (IPCI), Third Floor, 10 South Colonnade, London, E14 4PU. Enclose copies of all the paperwork, including the prison's responses. If IPCI find in your favour, they could ask the prison to apologise and/or pay back any money you lost by being put on Basic and losing your privileges.

Factually Innocent - Might Not Matter When You Are Arrested

Being accused of a crime when one is factually innocent ranks among life's most harrowing experiences. Sent to prison following a legal conviction for said crime adds another layer to the ignominy; this is something that most people – hopefully – will never experience. However, the unfortunate reality is that many individuals do experience this injustice, and the list of victims continues to grow. How is this happening? How has the English legal system, once revered globally as the model of justice, deteriorated to the point of ridicule and mockery? Pulling no punches, it is the opinion of this author that the adversarial nature of our English justice lays the foundations upon which myriad miscarriages of justice have been erected. What once would have been a journey in pursuit of natural justice, has, in more recent times, been reduced to a battle of wills, a thirst for victory, and a need to win a case at any price. This perspective is not exaggerated. We have all seen cases fall apart at the eleventh hour due to the discovery of a procedural flaw. Whether a failure to disclose exculpatory evidence, or allegations of corruption and wrongdoing in the early stages of the police investigation, the concept of justice has often been overshadowed by the pursuit of victory; the edifice toppled, it came crashing down, and all to win a case.

Amidst this troubling trend, one cannot ignore the systemic issues that plague our legal landscape. Over time, the pursuit of justice seems to have taken a backseat to bureaucratic formalities and political manoeuvring. The adversarial nature of our legal system, while intended to ensure fair representation for both sides, has become a battleground, a place to enhance one's career and not, as one might expect, an arena in which truth is sought, with fabrication laid bare once exposed. Systemic biases, prejudices, and inequalities embedded deep within the organisational structures exacerbate, even encourage wrongful convictions. Marginalised communities, lacking access to resources and adequate legal representation, often bear the brunt of these injustices. Racial profiling, socio-economic disparities, and implicit unfairness among law enforcement and judicial officials further contribute to the travesties outlined above.

Moreover, the proliferation of forensic techniques and technologies, once hailed as advancements in crime-solving, has introduced new opportunities for error. Misinterpretation of evidence and flawed forensic practices, the reliance on outdated methodologies, and a distinct lack of consistent oversight have all contributed to the growing number of wrongful convictions. Understandably, this has had the effect of eroding public trust in the integrity of our legal system. Considering these challenges, it is imperative that policymakers and lawmakers alike reassess the dusty and crumbling foundations of our legal framework, and that they seek to enact sustainable reforms that prioritise good working practices, fairness, equity, and accountability. Only through collective efforts to address systemic flaws and uphold the principles of justice can we hope to prevent further injustices and restore faith in the integrity of our legal institutions.

As we continue to confront the harsh reality of wrongful convictions and the inevitable erosion of trust in our legal system, we must remember that justice is not a mere concept but is a fundamental pillar of any modern, forward-thinking society. Therefore, as the stakeholders we are, it is incumbent upon us, as citizens and custodians of the law, to demand accountability, transparency, and integrity from those entrusted with administering justice. Let us heed the call for reform with unwavering determination and unwavering resolve. Let us strive to build a legal system that not only punishes the guilty but also protects the innocent, where the pursuit of truth takes precedence over the pursuit of victory. Let us, therefore, stand united in our commitment to uphold the principles of justice, ensuring that no one is wrongfully deprived of their liberty, and that the beacon of justice shines brightly for all. For in the end, it is not just the innocent who suffer from miscarriages of justice, but you and me; the very fabric of our society is torn apart. Let us work tirelessly to repair this fabric, stitching together a tapestry of justice that is pleasing to the eye. That is fair, equitable, and unyielding in the pursuit of truth.

Claimant Thomas Bracher and Defendant Crown Prosecution Service

The Appellant, Thomas Bracher, appeals by way of case stated against his conviction on 19 January 2023 for assault occasioning actual bodily harm by District Judge Smith at Birmingham Magistrates' Court. The questions stated for the opinion of this court were as follows: 1) Was the court correct in holding that the evidence of the complainant as to his knowledge of his assailant's identity was not hearsay? 2) Should the court have excluded the complainant's identification evidence pursuant to section 78 of the Police and Criminal Evidence Act 1984 or under the common law?

The Grounds of Appeal are as follows: 1) The complainant averred in oral evidence that he knew of the identity of Mr Bracher from having viewed social media content ascribed to Mr Bracher including photographs, 2) from having seen Mr Bracher queue for entering a nightclub. It was submitted during the trial that this constituted an identification dependent solely upon hearsay. The District Judge held that the evidence of the complainant was not dependent upon hearsay and was thus admissible as proving that his assailant was Mr Bracher. Had the court found that the evidence was hearsay then, absent a successful application to admit it as such, it would have been inadmissible and Mr Bracher would have been acquitted.

ii) The court ought to have excluded the complainant's purported identification of Mr Bracher as his assailant in circumstances where no identification procedure had been carried out by the police, no identification was carried out in court and there existed no mechanism by which the defence could test the veracity of the complainant's purported identification. In this vein it is noted that the District Judge, properly it is submitted, directed herself that the CCTV evidence adduced was of insufficient quality to enable an identification to be made of the perpetrator.

Accordingly, the Appellant submits that the first question in the stated case should be answered in the negative and the second in the affirmative. The Crown submit that in respect of question 1 the District judge was correct and in respect of question 2 it was not unfair for her to have admitted the evidence at trial.

28) Finally on this topic, I accept Mr Radcliff's submission that on the facts of this case fairness required that an identification procedure should have been instituted. The parties referred me to The Queen v McCartney and The Queen v Lambert, and I accept that an ID procedure is required when there is a "reasonable anticipation that identity was in dispute" and that there does not necessarily have to be a positive dispute raised by the suspect.

Here the questioning of the defendant by the police, in particular questions such as "Do you know the complainant?" and "Who is the complainant?" demonstrate, in my view, that the police were aware that establishing whether or not the two men knew each other might be a relevant consideration. In those circumstances, in my view, the PACE codes of practice required an identification parade. For all those reasons, in my judgment, it was unfair to admit the evidence and it should have been excluded under section 78 of PACE.

That being so, I would answer the first question in the stated case in the negative and the second in the affirmative. Accordingly This Appeal Succeeds.

Derek Patterson A3948AE HMP Northumberland: At Trial I received a six-year 56-day tariff on a discretionary life sentence I am Now in my 19th year. Waiting for next Parole Board hearing. All concerned are reccommending move to Open Conditions. I have never given up hope, of a change for the better. Well aware of the fact, patience is a virture - but waiting sucks: Derek is supported by 'Progressing Prisoners Maintaining Innocence', 'Leicester Law School / Miscarriages of Justice Project' / MOJUK