

Earlier this year an inquest jury found that asylum seeker Jimmy Mubenga was unlawfully killed as G4S guards forcibly held him down on a plane deporting him from Britain to Angola. Investigations are currently ongoing into complaints of sexual abuse by women detainees held at Serco-run Yarl's Wood Immigration Removal Centre in Bedford (see page x).

Torture, sexual assault, death - none of these concern the British government when prison places in Oakwood cost it one third of those elsewhere in the prison system. However the outsourcing frenzy has suffered a setback, as both G4S and Serco are currently under investigation by the Serious Fraud Office, after an audit revealed that they had been charging the government for the electronic tagging of people who were either dead, in prison or had not been subject to tagging. The MOJ spent £107m on the two tagging contracts in 2012/13 alone.

The Cabinet Office is also carrying out a second investigation into every current contract with G4S and Serco which is worth over £10m. Until that is complete, the government is unable to sign further contracts with them. The MOJ has also been compelled to cancel the planned privatisation of three Yorkshire prisons, for which Serco had been designated as the 'preferred bidder'. However, none of this prevents them bidding for future work and both are likely to be trying to snatch their share of up to £500m worth of contracts generated by the current privatisation of the probation service.

On 19 November G4S offered to pay back £24.1m of money billed for tagging prisoners who were no longer actually being monitored. The government rejected the offer, presumably as the real figure is even higher. The following day the Chief Executives of G4S, Serco, Atos and Capita were questioned by the House of Commons public accounts committee and asked to account for a series of fiascos they'd been involved in. However, so much government work has already been outsourced and so much more of the MOJ's agenda of privatising punishment depends on this continuing, that even the fact that the state has been robbed of millions of pounds by these companies is not going to stop the process. As the Financial Times reported on 21 November: 'Francis Maude, the minister who commissioned the cross-departmental contract review, said he expected the companies to emerge "renewed and stronger" from the process... "Our reviews into G4S and Serco's contracts are rigorous and extensive," said Mr Maude. "But when they report, and we are satisfied full health has been restored, we will move on quickly."'

The restoration of 'full health' for the profiteering companies will mean yet greater pressure on the physical and mental health of all those herded into their prisons and detention centres. Figures published in the Daily Mirror on 17 November state that the Prison Service's National Tactical Response Group, has been called to 189 incidents in 81 prisons during the past year. This is only likely to increase and the punishment system is now a ticking time-bomb which sooner or later will explode.

Hostages: Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Sam Hallam, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Romero Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Frank Wilkinson, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Simon Hall, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Roy Allan, Sam Cole, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

Stacey Hyde: Life Imprisonment For 'Acting Out Of Fear' *Kira Cochrane, Guardian, 26/11/13*

A campaign launched by Justice For Women has taken up the cause of Stacey Hyde, jailed for murder. She was 17 when she killed a man and was sentenced for murder. Campaigners believe her case highlights the problems young women face when standing trial.

No one denies that Stacey Hyde killed Vincent Francis. On the evening of 3 September 2009, when Hyde was 17, she went out drinking with Francis's girlfriend, Holly Banwell. They returned to the flat where Banwell had been living with Francis, 34, and Hyde passed out on the bed. In the early hours of the morning Hyde says she awoke to hear Banwell calling for help. Hyde doesn't clearly remember what happened next, but she seems to have run to Banwell's aid, and a fight ensued between her and Francis. During the course of the incident, Banwell called 999, and described what was going on, screaming: "My boyfriend is beating my friend," and later adding: "They are fighting." The tussle spilled into the communal hall; a neighbour who was disturbed by the noise later testified that she saw Francis pull Hyde by the hair. Hyde allegedly kicked out at Francis, broke free and ran back into the flat, reappearing with a knife. Francis suffered 17 knife wounds, including two or three to the back, and was fatally injured in what the police described as a frenzied attack. When the police arrived, Hyde sobbed: "He tried to kill me ... I had to help Holly."

Justice for Women, a campaign group that has taken up Hyde's cause, believes she had some reason to be fearful. In court, the prosecution acknowledged 27 incidents of domestic violence between Banwell and Francis, and there was evidence that Francis had been violent towards a previous partner too. In court, Hyde pleaded not guilty on the grounds of self-defence. Her aunt, Julie Hyde, says they were told by her lawyers that a conviction for manslaughter was the most likely outcome. In fact, she was found guilty of murder, and sentenced to life imprisonment, to serve a minimum of nine years.

Hyde's "only crime was to react disproportionately, out of fear, to a man's violent attack on her and her friend," according to Justice for Women. Francis's family dispute this, and say he was walking away when he was killed, and that Hyde didn't have any injuries that needed medical assistance – although the doctor who examined Hyde gave evidence in court of her "multiple injuries", some of which, in his opinion, were consistent with a forceful struggle, others with self-harm.

At a busy public meeting for the Free Stacey Hyde campaign earlier this month, Harriet Wistrich, lawyer and co-founder of Justice for Women, said the case was important because of what it illustrates about the problems many young women face today – rape, eating disorders, self-harm – problems for which they rarely receive proper help and assistance, and for which they are sometimes blamed. These issues disproportionately affect women, and are often either overlooked or dismissed in what Justice for Women describe as a "male-dominated criminal justice system". Hyde now faces her last chance for an appeal, after her first application was turned down. Her supporters hope this might lead to her conviction being downgraded to manslaughter, and that she could be let out of prison with time served.

Francis's sister, Deborah Webber, describes the application for an appeal as "ridiculous", and calls Hyde a "dangerous woman". She says Hyde's supporters "know the sober Stacey Hyde, they

don't know the drunk Stacey Hyde, and she's a completely different person ... I'm sure there are women who are in prison for murder, who shouldn't be there, but just listen to everything in court – we got the right decision." She says she believes that the conviction should stand, "and I base that on facts established in court, which found Stacey Hyde guilty of my brother's murder."

The appeal rests on three factors. One is the claim that the judge failed to direct the jury adequately when it came to the question of provocation. Since Hyde's case was tried, the law surrounding provocation has changed, partly as a result of Justice for Women campaigns, to take in to account the loss of control caused by a fear of serious violence. Another factor is that, after she was convicted, a psychiatrist specialising in adolescence diagnosed Hyde as having attention deficit hyperactivity disorder (ADHD). The psychiatric reports also suggest she was suffering from emerging borderline personality disorder and depression at the time of the incident, and from post-traumatic stress disorder at the time of the trial. Justice for Women argue that these conditions could have substantially impaired her responsibility for the offence – and also state, as their third factor, that if Hyde's ADHD diagnosis had been recognised, she would have had assistance from a mediator at her trial.

This could have been crucial. During Hyde's two days of evidence, there was apparently a marked change in her demeanour. On the first, she came across sympathetically, says Wistrich, the next, she was far more confrontational. Those who know Hyde describe her as naive and trusting, and susceptible to bullying. After her evidence had been completed, and she was able to speak to her legal advisers again, she told them that between her first and second day on the stand, she had been subject to a mock trial by other inmates at the prison where she was remanded in custody. They had "advised" her on how to give evidence, and Wistrich suspects they were making fun of her, and that their coaching undermined her case.

Julia Hilliard, a Justice for Women campaigner, says that, at 22, Hyde still has the manner of a 15-year-old. One of her former teachers recalls the time Hyde appeared as the princess in the local pantomime, a year before the killing. She says that what struck her, especially, "was that there were several 'magic' tricks in the script, and Stacey asked me if it was real magic. I think, at one level, she really believed in the fantasy. It underlined for me her naivety, and also her need for escapism."

Hyde's childhood included bullying at school. She began drinking at the age of 12, and suffered bulimia. She has never known her father's identity and when she was in her mid-teens, she grew "desperate to find out who her real father was," says Wistrich. "She fixated on one man, believing it was him. Then there was a DNA test, it turned out he wasn't, and that seemed to unsettle her a great deal." Hyde began cutting herself, and drinking heavily, and on at least three occasions woke up to realise someone either had, or was having, intercourse with her, without her consent. She doesn't describe these incidents as rape, but Wistrich suggests they fit the definition. Hyde also learned she was pregnant in March 2009, and was apparently put under pressure by her mother, and several others, to have an abortion. "I must admit," says her mother Diane, "I pushed for it. I was really angry. I thought it would ruin her life." At this point, Diane suggests, her daughter's mental health deteriorated further. During the summer of 2009, she tried to hang herself from the curtain rail in the shower, and to drown herself in the bath. Two days before Francis was killed, she was seen by a community psychiatric nurse who recorded that she was at risk of serious self-harm or suicide.

Her family still worry about her tendency to self-harm, and are desperate for the appeal to succeed. Justice for Women says her case "demonstrates that there are still huge problems with the way the criminal justice system treats young women". In Wistrich's opinion, it is clear Hyde, "is not a murderer, and she should never have been convicted of murder".

2) Grayling's Prison Time-Bomb

On Saturday 2 November 2013 prisoners at Maidstone in Kent took over a wing of the prison in protest at new restrictions introduced the previous day as part of Justice Secretary Chris Grayling's much trumpeted drive to clamp down on prisoners' 'privileges'. In a separate incident the same day, 70-90 prisoners in Rye Hill prison in Rugby, which is run by private security company G4S, refused to return to their cells in protest against reduced association time. On 26 November a small group of prisoners took to the roof of G4S-run Oakwood prison in Wolverhampton - the second protest over conditions at the prison in a matter of weeks. As legal aid for prison law is cut and Grayling ramps up his plans to make prisons harsher and run them more cheaply, he can expect more of this kind of resistance. Nicki Jameson reports.

Grayling is on the right wing of the Conservative Party and among those pledged to put withdrawing Britain from the European Convention on Human Rights at the centre of the party's manifesto for the next election. In advance of that, he plans to go head-to-head with the European Court of Human Rights by flouting its repeated judgments that Britain must provide some serving prisoners with the right to vote in elections.

The Ministry of Justice (MOJ), over which Grayling presides, is currently engaged in a massive prison restructuring exercise, in which there will be ever greater concentration of prisoners within fewer and larger gaols. This is despite the government publicly committing itself to the idea that prisoners should be located closer to their homes and families in order to aid resettlement. The Prison Reform Trust has labelled the prospect of nearly half of the prisoners in England and Wales being warehoused in 1,000-plus supersized prisons as 'Titan prisons by stealth', in reference to the Labour government's shelved plan to build three massive 'Titan' prisons, each housing 2,500 prisoners. The coalition government is planning to build a 2,000 place prison in Wrexham, north Wales, with the boast that this will bring 1,000 new jobs and boost the local economy, a claim which has been refuted by a researcher at the Wales Governance Centre in Cardiff University. A feasibility study is also underway for a second giant prison in west London. This is accompanied by increased concentration within existing prisons. In January 2013 Prisons Minister Jeremy Wright announced plans for additional house blocks at The Mount, Bure and Rochester prisons, which will increase their capacity by a total of 1,260 places. Meanwhile, in the past three years 13 small prisons have been closed, with a further six to follow.

The three largest prisons in England are currently all managed by private sector companies, with G4S running Oakwood (1,600) and Birmingham prison - which was previously state run (1,436), while Sodexo runs Forest Bank in Salford (1,436). Oakwood opened in April 2012 and has been subject to constant criticism ever since; in July 2013 a report by the MOJ - which of course is responsible for awarding the contracts - gave Oakwood and Serco-run Thameside prison in south London the lowest possible performance rankings and the Chief Inspector of Prisons issued a damning report, characterising the prison as inefficient and unsafe.

British-based G4S is the world's largest private security company, followed by Swedish company Securitas. Alongside the other main British private prison provider Serco, and French company Sodexo, they compete for contracts to imprison, tag and escort criminal prisoners and immigration detainees in Britain, Australia, New Zealand and South Africa. At the end of October the South African government was forced to take over the running of a G4S-run prison in Bloemfontein, after allegations were made of prisoners being subject to forcible injections and electric shocks. One former prison guard told the BBC that water was thrown onto prisoners to increase the severity of the electric charge.

wars in Latin America, with both violent and nonviolent opponents of military dictatorship tortured, executed and disappeared. If they were lucky, they were exiled. There is a lot of public sympathy for people who are oppressed by governments. But protecting the human rights of people accused of committing ordinary crimes is different. I have found that some people have a hard time accepting that people who break the law – or who are accused of breaking the law – have rights that should be protected the same as theirs. It's one thing to be concerned about a political dissident. It's another to show concern for a murderer or a drug dealer.

But just because someone is convicted of a crime doesn't give the government license to impose punishment that is cruel and unjust. To me, that's the real human rights challenge – protecting unpopular people whatever their circumstances, whatever they've done, wherever they live. Version: Sandra Avery falls into this category.

I don't know the right sentence for someone in her situation, but I don't believe – and I suspect many would not believe – its life without parole. Especially a life sentence imposed not so much for her crime as for her refusal to plead guilty. That is simply a misuse of power. A crack seller deserves fair and just treatment at the hands of the government, the same as a political dissident.

Human rights aren't only for the righteous. They protect the dignity of all, regardless of which side of the law someone is on.

Jamie Fellner Human Rights Watch 4th December 2013

1) Protest Outside Strangeways Heard Loud and Clear Inside

As I sat reading the last few pages of Hilary Mantel's *Bring up the Bodies*, minding my own business on Sunday 3 November 2013 in my cell on HMP Manchester's torture unit (Specialist Intervention Unit) I was disturbed as usual. Loud noise coming from outside began to distract me and I heard my name. So I was pleasantly surprised when I listened closer to the racket which then became a sweet melody. A protest outside the prison, demanding an end to solitary confinement and my transfer out of this hell hole, was reverberating throughout my cell.

I had never thought that an event like this could have such a positive effect upon me, but feeling the support in this way is so much more powerful than I expected. Had I still been in Woodhill, I would not have been able to hear any protest from the location of the cells, so I would have lost the ability to draw strength from the display which has been the only real positive in being here.

I arrived at Manchester on 13 June 2013 for what was supposed to be only a three month stay. The psychological warfare inflicted at all Close Supervision Centre (CSC) locations has been supplanted with physical torture, such as starvation, deprivation of oxygen and natural light and, of course, assault. I needed this protest to defend against all these abuses as my voice has been too easily suppressed.

Thank you to everyone who came and all those who stopped to find out what it was about. Hopefully it has been enough to force a move for me into improved conditions and I will let you all know as soon as this occurs. I appreciate the time and effort put in by all, including those involved in the organisation who could not make the journey on the day. Even Anne Boleyn did not have a demonstration outside the Tower of London in the book, so it is nice to know I am cared about more than royalty. If the time comes for another demonstration I look forward to the sensation your support will bring.

Thank you again. Let's put an end to torture in English prisons.

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Justice and Habib Ignaoua *Written by Frances Webber for IRR, November 28, 2013*

The case of Habib Ignaoua shows the government's unconcern about the collateral damage to families and the rule of law caused by its determination to keep 'undesirables' out. 53-year-old Ignaoua fled Tunisia in 1994. He came to Britain in 2004 and sought asylum, claiming detention and torture by the Tunisian authorities, whose military courts had by then convicted him in his absence and sentenced him to lengthy imprisonment. His asylum claim was still being processed when in 2007 the Italian government sought his extradition on a European arrest warrant which claimed that while living in Italy he had recruited north Africans for military training in Afghanistan and used forged currency. In late 2008 Ignaoua was extradited to Italy, leaving his British wife, and a British son from a previous marriage, behind.

In due course, in July 2010, Ignaoua was acquitted of the charges – and it was then that his troubles with the UK authorities began. The same month, the Home Office issued an order forbidding his return to the UK, claiming that his exclusion was 'conducive to the public good' on the grounds of 'national security'. Despite his acquittal, the Home Office maintained that Ignaoua was involved in facilitation and radicalisation for terrorist purposes. There was no right of appeal against the exclusion order. Having got him out, it did not want him back at any cost – never mind his ongoing asylum claim, or the impact of his exclusion on his British wife and child, or the known propensity of the Italian government to defy the European human rights court and deport unwanted Tunisians back to detention and torture.

Cat and Mouse: Ignaoua's UK lawyers launched a judicial review of the exclusion, but the proceedings were delayed for three years by the Home Office insistence on secrecy for their detailed allegations and evidence, and the hearings needed to establish a procedure for this. (Of course, Ignaoua's exclusion remained – and remains – in force during the legal challenges.) Then, as the lawyers were preparing for a hearing of Ignaoua's legal challenge in July 2013, the Home Office sought a further adjournment, saying that the Justice and Security Act, which had come into force in June, allowed Ignaoua to apply to the Special Immigration Appeals Commission to set aside the exclusion order. The fact that no procedures had yet been created for such an application to be made appeared irrelevant; there was, the Home Office claimed, an alternative remedy, so the judicial review was no longer necessary. On 16 July, the judge refused the Home Office application, seeing no need or point in further delays.

Contempt of Court: On the same day, the Home Office issued a certificate under the Justice and Security Act which, its lawyers claimed, had the effect of automatically putting an end to the judicial review proceedings. In effect, the minister's position was that of a losing player who overturns the board: if the judge rules against her she'll stop the game. Only it is not a game, but a legal challenge to exclusion of the husband and father of a British citizen, in front of robust and independent High Court judges. She offers instead the distant prospect of a hearing in a national security court far more attuned to the government's concerns.

This is not the first time by any means that Home Office ministers have shown a woeful lack of understanding of the relationship between the executive and the other branches of government – the courts and the legislature. Ministers in both the coalition government and its predecessor have a habit of believing themselves to be sole rulers, able to ride roughshod over court judgments and to bypass parliamentary scrutiny. And this tendency seems to manifest itself most strongly in cases involving immigrants – whether in the unilateral and illegal detention of Algerians and Jordanians following judges' refusal to revoke bail in February 2009, or the issuing of new rules for international students in the same year, or an interim cap on

migrant numbers the following year, without bothering with parliamentary scrutiny.

To its shame, the High Court accepted in August that the certificate put an end to the judicial review and told Ignaoua he would have to wait in limbo for procedural rules to be drafted before he could apply to SIAC to have the exclusion order set aside. But its decision was happily reversed in November by the Court of Appeal. Judicial review, the judges said, was far too important a remedy to be automatically terminated by ministerial certificate, all the more so when the minister was one of the parties to the litigation which it sought to bring to a premature end. The law the minister said he was applying simply could not have that effect unless parliament had spelled it out in crystal clear terms. Besides, as the court observed, the procedure rules enabling applicants in Ignaoua's position to apply to SIAC had still not been issued, adding to the manifest unfairness at being left without an effective remedy for exclusion from the country.

So there is some sort of justice for Habib Ignaoua, who can at least continue with the judicial review of his exclusion. But it's a pretty weak solution of justice, given that he can't attend the hearing, can't know the substance of the allegations or the evidence against him and, not being resident in the UK, will soon lose the right to legal aid to pursue his challenge.

£45k Awarded To One-Legged OAP 'Thrown To Floor' By Police

Officers mistook 70-year-old great-grandfather Peter Williams for a burglar as he climbed through a window. In the incident his prosthetic limb became detached, his shoulder was dislocated and he suffered a fractured elbow. Mr Williams alleges that he was thrown to the floor. He said one officer told him: Got you, you thieving little scrote. The pensioner had forgotten his keys when he went to the pub and broke a garage window to climb into his home. Mr Williams, who uses a wheelchair and has had a tracheotomy after throat cancer, said up to six officers from Greater Manchester Police used ridiculously over the top force when they pounced in October 2009.

'Commenting on the award Mr. Williams said: To this day I m still very angry about what happened. Why did they have to throw me to the ground? Why did they have to be so aggressive? I was an old man stuck halfway through a window. They could have just tapped me on the shoulder and asked me what I was doing. They didn t even give me a split second before they started man-handling me.'

Sharp Rise in Riot Squad Call-Outs to UK Prison Protests *Alan Travis, Guardian, 26/11/13*

Need for specialist units shows growing unrest as ministers announce plans to move young offenders to adult jails. The rate at which prison governors have to call in the "riot squad" to deal with disturbances and protests inside has risen sharply this year, according to justice ministry figures. Prison managers called out the national tactical response group 151 times during the first nine months of this year. This compares with it being called 129 times in the whole of 2012, and is higher than the monthly rate seen in 2010 when staff from the response group were called in 118 times. The group is a specialist unit to help public and private prisons resolve serious incidents. It also supports the Tornado response teams under which trained staff from nearby jails help with the most serious incidents.

This evidence of a much greater turbulence inside the prison system across England and Wales comes after justice ministers announced a consultation on plans to close five dedicated young offender institutions which hold only 18- to 20-year-olds. Announcing plans to move them to adult prisons, the justice minister, Jeremy Wright, said: "When large numbers of people in this age group are held together they can become so volatile it becomes difficult for staff to manage them."

The shadow justice secretary, Sadiq Khan, said: "The true scale of the growing crisis

So how can serving life without parole possibly be fair? I asked her prosecutor why he pushed for such a high sentence if Sandra went to trial. His response: "Because it applied." In other words, she had two priors and he could. Then I asked if he thought if the sentence was just. "No comment," he answered. Prosecutors have an incentive to plead people out – it's faster and cheaper than going to trial. Also, a prosecutor's credibility depends on making good on a threat of a stiffer sentence for those who turn down a plea bargain.

Over my 25 plus years at Human Rights Watch, I've written many reports focusing on policies that harm people who wouldn't win a popularity contest. After all, you shouldn't have to sympathize with, much less approve of, somebody to insist they should be treated with dignity and that their human rights should be respected. But my work started out far away from US prisons. I'm one-quarter Venezuelan and my university studies focused on Latin America, which helped secure my first job with Human Rights Watch doing research in Colombia in 1985. I left after a few years, but returned in 1994, continuing to investigate abuses in Latin America. Two years later, I switched my focus to US criminal justice problems. In 2001, the US division was created and I was appointed its first director. I stepped down in 2007 to return to what I'm really passionate about – the research.

A couple of clear themes run through my years of human rights work. One relates to the so-called "War on Drugs," – or more specifically, human rights issues that arise when you try to topple the drug market by punishing drug users and sellers. I researched how these abuses manifested in places like Bolivia, then followed the illicit money trail back to the US, where I investigated abuses connected to drug laws and law enforcement. Drugs are capitalism at its purest – if there's a demand, there will be supply. Over the last 40 years, drug law enforcement has done little to curb drug use, but it has yielded widespread abuses ranging from violence to egregiously harsh sentencing laws and a disproportionate number of African Americans behind bars for drug offenses. Another thread that has run through my work is the abuse of power. Dictators during the dirty wars and in Latin America abused their power in certain ways. In the US, most of the direct and clear abuse of power occurs in the criminal justice system, because that's where the federal government wields its weightiest weapons – it can deprive you of your liberty and of your life.

I've researched death sentences handed down to mentally disabled people, the US's refusal to release old and dying prisoners, the lack of treatment for mentally ill prisoners, and the overuse of solitary confinement. I've also investigated pretrial detention for people too poor to afford bail and the use of dogs to force prisoners from their cells. These all exemplify the misuse and abuse of government power. I believe the US criminal justice system has been warped since the 1980s, when there was tension around civil rights, drug use was rising, and violence in predominantly African American communities was growing. Combine this with partisan politics in which each party vied to be "tough on crime" and the political manipulation of concerns about drugs and race, and you get a system in which "too many Americans go to too many prisons for far too long," as Attorney General Eric Holder said in August.

Now there's a growing momentum for sentencing reform, in part because the US has realized it simply can't afford to lock up so many people. Still, it is hard to make people care about the excesses of the criminal justice system. Unless you have a family member in the system, you don't think about it and you don't care about it.

The human rights movement that took off in the 1970s focused on middle class intellectuals and political dissidents in the former Soviet Union, who were subject to human rights violations because they wanted more political freedom. Then in the 1980s, there were the dirty

One year ago this week a range of tougher sentences and new offences, introduced in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, came into effect including: 'Two-strikes' — mandatory life sentence for anyone convicted of a second very serious sexual or violent offence. Tough new sentence — Extended Determinate Sentence where offenders spend at least two-thirds of their sentence behind bars and extra time being monitored in the community.

Aggravated knife possession — new offences of using a knife to threaten and endanger someone in a public place or school. Anyone convicted of these offences faces a mandatory custodial sentence of at least six months for adults and a four month Detention and Training Order for 16 and 17 year olds. Clampdown on dangerous drivers — new offence of causing serious injury by dangerous driving which carries a maximum sentence of five years in prison. We anticipate more than 2000 offenders per year will be affected by these changes: 'Two-strikes' mandatory life — 20 offenders per year Extended Determinate Sentence — 1,200 offenders per year Aggravated knife possession — up to 1000 offenders per year Causing serious injury by dangerous driving — 20 offenders per year.

Chris Grayling said: From my first day in this job I have been clear that punishment must mean punishment. A community sentence shouldn't just consist of a meeting with an offender manager, prisoners shouldn't spend their time in prison watching satellite television and the worst offenders should get the very toughest sentences. Step by step we're overhauling sentencing and sending a clear message to criminals that crime doesn't pay.

We're on the side of people who work hard and want to get on and my message is this - if you break the law you will be punished. Currently, only around two-thirds of community orders contain punishment such as a curfew or unpaid work. Under the reforms that will come into effect this month we expect this to rise significantly. In very exceptional circumstances judges will have the power not to include the element of punishment. Research suggests the inclusion of a punitive requirement alongside supervision in community sentences, can be more effective in reducing reoffending than supervision alone.

Plea Bargains the Unfair Difference Between 10 Years and Life

Sandra did break the law and should be punished. But the punishment should fit the crime. Her prosecutor believed 10 years behind bars would be appropriate if she pleaded guilty. So how can serving life without parole possibly be fair? Sandra Avery was once a crack user, and had been convicted three times for possessing \$100 worth of the drug for personal use. But she pulled herself together, joined the army, earned an accounting degree, and on leaving the army got a good job. Years later, her life spun out of control. She married a crack dealer and started using again. Then she and her husband were arrested together for selling crack. The prosecutor offered her a plea deal that could have brought a 10-year sentence, but when she refused, he sought a mandatory sentencing enhancement based on her prior convictions. So instead of perhaps being locked up for 10 years, she's in for life, without parole.

In the United States, Federal drug defendants who won't plead guilty pay dearly, according to our new report, "An Offer You Can't Refuse." Prosecutors use their ability to vary the charges to seek longer mandatory sentences for people who turn down plea bargains. Defendants who go to trial receive sentences that, on average, are three times as long. Not surprisingly, 97 percent of drug defendants are convicted by pleas, not trial.

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in our prisons on Chris Grayling's watch is laid bare in this information I have uncovered. In the first eight months of this year, there'd been more prison disturbances severe enough to call out the specialist response team than in the whole of 2012. And if the number of disturbances continue at this level for the rest of this year, there'll have been a doubling over the three years of this Tory-led government." He said prisons were more overcrowded and dangerous than they were three years ago partly as a result of prisoners spending too much time "festering in their cells" instead of working or attending training courses: "All this government's talk of a rehabilitation revolution is but a distant memory."

But the prisons minister, Jeremy Wright, said staff from the national tactical response group had been called to attend incidents "at only 45% of the total number of establishments in the past year, illustrating that the majority of prisons have not required assistance". He said the number of callouts had been "fairly consistent" between 2010 and now but acknowledged there had been a slight rise in recent months. "This is mainly due to minor incidents such as prisoners protesting by climbing on to the netting between landings." Wright said such protests had made up two-thirds of the incidents to which the squad had been called out over the past year, many of them only as a precaution. added that 75% of the 151 incidents in the first nine months of this year had been resolved by the prisoners involved surrendering.

Prisons: Competition [Outsourcing Management] House of Lords /25 Nov 2013 : Column WS75

Minister of Justice Lord McNally: I would like to update the House about the Ministry of Justice's competition process for the South Yorkshire prisons, Hatfield, Moorland and Lindholme. The House will recall that I made an announcement on 11 July 2013 where I outlined that the leading bidder for these prisons was Serco, but that the award of this contract would be delayed as a result of the investigations into Serco's operations. The investigations remain ongoing.

The impact of the delay and the uncertainty this has created mean that for operational reasons we cannot postpone the outcome of the competition process any further. I have therefore decided that the competition for these prisons will cease and that all three prisons will be managed by HM Prison Service. All of the South Yorkshire prisons will immediately become part of the ongoing process of applying a new public sector benchmark. This process is delivering swift reforms and impressive savings across the public sector prison estate. All HM Prison Service managed prisons are significantly reducing unit costs, improving outcomes and delivering value for money for the taxpayer. This approach provides a workable solution and in the circumstances is the best possible option both for the prisons involved and for the public. The Ministry of Justice, and the Government as a whole, remains fully committed to a mixed market for public services, drawing on the best of public, private and voluntary providers to improve quality and secure value for money for the taxpayer.

HMP Northumberland Taken Over By Private Firm Sodexo

A 40-year-old prison with more than 1,300 inmates has been taken over by a private firm. HMP Northumberland, in Acklington, has been taken over from the government by Sodexo Justices Service. The firm has a 15-year contract and claimed it would save the taxpayer £129m a year by cutting 200 jobs. But the Prison Officers' Association (POA) said officers posts could result in "escapes and riots". HMP Northumberland was formed by the merger of Castington and Acklington jails in 2011, but the prison building was built 40 years ago. It is a Category C jail for inmates - including vulnerable sex offenders - who cannot be trusted in open conditions but who are not thought to be capable of trying to escape.

Deaths in Custody (Black People) *House of Commons / 2 Dec 2013 : Column 751*

Mr Charles Walker: On 27 June, I was invited by Matilda MacAttram, of Black Mental Health UK, to attend a conference in Wolverhampton. I did not know what to expect, but this was a woman I liked and trusted immensely, so I travelled up to Wolverhampton for a conference on deaths in custody. It was an extraordinary, moving and profound occasion. The conference comprised men and women, most of whom had lost sons, grandsons and nephews in custody, either in a mental health or a police setting. They bore their grief with great dignity and fortitude, but there was huge upset and anger in the room at how they had been treated by the establishment, by the system. I shall come to that in a moment.

Many relatives of the deceased bore witness to their treatment at the hands of the state and of authorities that we should trust. It was gruelling to hear. I am afraid that much of the commentary focused on the treatment meted out by certain police officers and the Independent Police Complaints Commission. I do not want this to be an attack on the police, so I want to say this now: there were many senior police officers at the conference, and the pain was etched on their faces as they listened to the experiences that families had been put through by some of their colleagues in the police force. It was a terribly moving day, but as I said, there were some very good police officers there. The police must be part of the solution, so we need to take them with us.

African-Caribbeans account for about 3% of the population of this country, but approximately 20% of deaths in custody. This has been a running sore and an open wound for 30 years, and it is incumbent on us, the political class, to address it, because if we do not, whatever side of the House we are on, we have no hope of engaging with this community constructively. They have lost trust in us. When I was preparing for this debate, I talked to several journalists, and one of them said, "But Mr Walker, isn't it just about racism? Isn't this an issue of racism?", and I said, "Well, racism is an ugly, ugly word. It is a word I do not want to ascribe to people I do not know or institutions I am not experienced of". But let me say this: for the past 30 years, since I became an adult, I have been aware of grieving black families on the steps of courts or inquests flashing across my television screen. I have seen the faces of those families and the young men they are mourning flash across my television screen, and up until this point I have chosen to do nothing. Now I am standing up and trying to do something. I may want to ask others this question, but I have to answer it: why, for 25 or 30 years, did I do nothing? Until I answer that question satisfactorily, I will not cast aspersions on others.

Another person said, "But Charles, you are talking about deaths in custody. You are a white male, why are you talking specifically about black people?" Well, I feel there is something very egregious about the treatment of black people in custody and detained environments. Any death in custody is regrettable, sad and tragic, but I am speaking as a parent because I think about what would happen if it were my son or—hopefully—when I am a grandfather, my grandson. It would be too much to bear. I have been helped to prepare for tonight by some fabulous people—I have mentioned Matilda MacAttram, and Lord Victor Adebawale has done great work with the police on restraint and how we look after people in a mental health crisis in a detained environment. I also pay tribute to Deborah Coles of Inquest who has been extraordinarily generous in the time she has given me when preparing for this debate. I know that I will not do this subject justice this evening, but at least I can start to do my bit.

We must address the whole system of inquests. In June I met families in Wolverhampton who had waited six, seven or eight years for an inquest into the death of their child, their brother. That is wholly unacceptable. I know the Government are committed to holding inquests in good time, but many families are still waiting for two or three years. We must ensure that inquests happen in good time, but an inquest is only as good as the information presented

posed to them by the IPCC. In December last year the Government brought forward emergency legislation to ensure police officers were required to attend interviews when requested by the IPCC. If we went further, as my hon. Friend suggested, and compelled police officers to answer questions in criminal investigations, that would put them in a worse position than members of the public, who have to attend but are not required to answer questions. It would seem perverse to have fewer rights for police officers than for other members of the public. He also talked about the end of face-down restraint. In health settings, this is obviously a matter for the Department of Health. I understand it plans to end its use in health settings, which I am sure will be extremely welcome to my hon. Friend.

My hon. Friend and the hon. Member for Hackney North and Stoke Newington talked about the practice of off-the-record briefings, which can often stain the reputation of someone in a way that persists even when it is unjustified. The Leveson inquiry reset and clarified the boundaries of the relationship between the police and the media and covered recommendations relating precisely to off-the-record briefings. The Government have accepted all the recommendations relating to the police and, together with partners, are continuing to implement them. About equality of representation. I would simply say that inquests are not trials. Unlike other proceedings for which legal aid might be available, there are no parties in inquests, only interested persons, and witnesses are not expected to present legal arguments. Legal advice and assistance before the inquest hearing via the legal help scheme is available to interested persons. Legal help can be used, for example, to assist in the preparation of a list of written questions that they wish the coroner to explore with other witnesses. About the independent investigation of deaths in NHS mental health settings, as opposed to police settings. NHS England is working to make the investigation of deaths in hospital settings more independent. The work will conclude shortly, and guidance to NHS commissioners will be published early in the new year. I hope that he can therefore see that, across the board in this sensitive and vital area, there is a significant amount of change.

I want to conclude by reassuring the House that the Government are working to ensure that people are treated proportionately and humanely when in police custody. The number of people losing their lives in police custody has fallen. In 1998-99, there were 49 deaths; last year there were 15, and there were the same number this year. However, there is still a lot of work to be done. I can absolutely assure the House that, through the Ministerial Council on Deaths in Custody, and through working with other Government Departments, campaign groups and, indeed, the families of the deceased, I will make sure that this issue remains high on the Government's list of priorities.

Radical Overhaul of Sentencing Continues From this month community sentences will have to include an element of punishment, as the radical overhaul of sentencing continues Justice Secretary Chris Grayling said today. In a move to improve public confidence in community sentences, adult sentences will now have to include some form of punishment. Last year more than 130,000 community sentences were handed down by the courts. Around one-third of community sentences contain no punitive element but from 11 December this will change. Most sentences will contain an element of formal punishment such as a fine, unpaid work, curfew or exclusion from certain areas. This could affect around 40,000 offenders per year. This is the latest step in a wide range of sentencing reforms ranging from restrictions on the use of cautions for more serious offences to the introduction of a mandatory life sentence for the most serious repeat offenders.

and was initially intended to exist for three years. However, we have demonstrated our commitment to this essential work by agreeing to fund it for a further three years.

Richard Fuller (Bedford) (Con): My right hon. Friend has heard from my hon. Friend the Member for Broxbourne (Mr Walker) and from the hon. Member for Hackney North and Stoke Newington (Ms Abbott) about a long-term trend. He talks of changes happening, but, given that the trend has been continuing for a long time, can he give us an assurance that change will indeed come? Change is often promised, but it rarely comes into effect. I think that tonight's debate is about change actually occurring, rather than being promised.

Damian Green: My hon. Friend has made a valid point. I hope to explain to him in a moment about the changes that are happening and those that have already happened, but let me first say a little more about the Ministerial Council on Deaths in Custody, because it is an extremely important institution. As well as a practitioner and stakeholder group, it has an independent advisory panel on deaths in custody. The panel has just created a two-year research project for the University of Greenwich, which will deal systematically with a number of the current problems. The university will conduct a review of the role of mental illness and deaths in all state custody, and an evaluation of the efficacy of information sharing between youth offending teams and the secure estate in relation to the assessment and management of the risk of self-harm and suicide among children and young people. Tonight's debate, and other conversations in which I have taken part, suggest to me that I should consider whether the ethnicity of individuals who lose their lives in custody should also be included in that research project.

Let me move on to the changes and the specifics. My hon. Friend the Member for Broxbourne had some harsh words to say about the IPCC, which must be notified of any death that occurs in police custody. Following the investigation into the death of Sean Rigg and the findings of the Home Affairs Committee inquiry into the IPCC, it is carrying out a review into how deaths in, or following, police custody are investigated. A progress report was published in September, and the final report is due to be published next year.

Changes are happening. The Anti-social Behaviour, Crime and Policing Bill includes new powers for the IPCC, which it has requested to strengthen its remit and functions. I agree with my hon. Friend that it has not been a perfect institution in the past. It has had failings, so we have strengthened its functions and we have increased its funding. The functions include powers to enable the IPCC to recommend and direct that a police force instigates unsatisfactory performance procedures in cases that involve death or serious injury. It will have extra resources from the police, too.

My hon. Friend mentioned the time it has taken for the deceased to be returned to their families as a result of inquests. Under the Coroners (Investigations) Regulations 2013, which came into force in July as part of a package of reforms, coroners must release the body of the deceased for burial or cremation as soon as possible. If the coroner cannot release the body within 28 days, he or she must notify the known next of kin or personal representative of the reasons for the delay. When there is a criminal investigation into the death, there may be more than one post-mortem examination, but the coroner will make every effort for the body to be released at the earliest opportunity. I should also draw the House's attention to the recent appointment of His Honour Judge Peter Thornton QC as the first chief coroner of England and Wales, who is playing a key part in setting new national standards in the coroner system. I hope that will have a direct effect on the important questions we are debating tonight.

My hon. Friend talked about the requirement for police officers to answer questions

to it, so we must ensure that inquests deal with good information.

We must address the fact that police officers are not required to answer questions put to them by the Independent Police Complaints Commission. That is simply ridiculous; I am aware that many senior police officers in the Association of Chief Police Officers believe it is a nonsense and needs to be addressed. We must also have equality of arms. When there is a death in detention, the various parties of the state have legal representation—the mental health trust, the police, the chief constable may have legal representation, all funded by the taxpayer. The family of the deceased, however, will too often have their finances gone through with a fine toothcomb—not just the parents, but grandparents, aunts, uncles and extended family—to see whether they should pay for some or all of their legal costs. That is a disgraceful way to treat a mourning family, and if we do nothing else, it is incumbent on this House to end that inequality in arms.

When someone dies in a mental health setting, as opposed to a police custody environment, we must ensure an independent investigation that carries the confidence of the family of the deceased and the wider community. Let us be in no doubt about the sense of anger and frustration at the current state of play. I do not know how we do this in law, but we must also end the culture of briefings. When someone dies in custody, the organisation that had responsibility for that individual's care and safety can go into a sort of institutional meltdown and lockdown. It goes into a default position of getting its side of the story across, and the names and reputations of good young men are trashed in such a way that that becomes the accepted narrative—"Because the inquest is so far away, if we go on and paint a wholly false picture of this young man, that will become the accepted story." Can one imagine how it affects a grieving family—the weaker party in all this— to see the reputation of their son, grandson or nephew destroyed, and they have no right of reply? I do not know how we do that in law, but off-the-record, unofficial briefings should be regarded as acts of gross misconduct, and those that participate in and promote them should lose their jobs.

An issue of great importance to Black Mental Health UK is the use of face-down restraint, which is a very aggressive way of controlling someone who is distressed. Too often it can cause severe physical damage and can kill. We in this House should be in no doubt about the importance of this issue to those in the African-Caribbean community. They feel that it is used disproportionately on their young men, and we need to address that concern in a serious way.

I want to go back to the need for inquests. I am dealing with one family whose son called the police—there was a domestic dispute and he felt that he and his child were being threatened—and ended up being arrested. He was taken to a detained mental health environment. His sister came to see him. He said, "Please get me out of here. If you don't, they will kill me." He was dead the next day. It took the family a year and a half to recover the body of their son and brother. When they did recover his body, it was beaten, bruised and covered in Taser marks. That is a tragedy. I can understand why that upsets people so much. It upsets me today and I know that it upsets my colleagues who are here for the debate.

I do not pretend to understand the African-Caribbean community, but from the people who came to see me there is a total loss of trust in the establishment. There is a feeling that for the past 30 years we have allowed the causes of these deaths to go unaddressed. Somehow, we have turned away. The establishment has turned its back; it has chosen to walk on the other side of the road. If we are to bring the community closer to us we need to understand the sense of hurt we in this place, and the institutions of the state, have caused. The healing process needs to start at the very top. We need the Prime Minister and the Leader of the Opposition to stand up and say, "I want to hear your stories. I want to listen. I am so sorry

that we allowed this to happen for so long. Please tell us your experiences and let us work together to ensure that we do not allow these injustices to continue.”

When I left the conference in Wolverhampton on 27 June I had one overriding emotion as I sat on the train: I felt ashamed that the country I love so much, and which has given me so much, could let a group of good people down so badly. It is quite something to have that emotion at the age of 45. I always knew that we do not live in a perfect place, but I always thought that it was a good place and that, if challenged, this country did the right thing. We have not done the right thing by the African-Caribbean community. All is not lost: we have the opportunity to do the right thing. I know I have not done this subject justice, but I hope that the Government hear the growing number of voices from all communities and lead the nation to a better place.

Mr David Lammy (Tottenham) (Lab): I congratulate the hon. Gentleman on the way in which he has made his remarks on this very important issue. Does he agree that one of the great sores in this debate is not just that no police officers have been prosecuted for the many deaths—hundreds—that have taken place in the past 20 years or so, but that the police continue effectively to investigate themselves because so many IPCC staff are police officers? That issue continues to be raised consistently in relation to deaths in police custody.

Mr Walker: I thank the right hon. Gentleman for his intervention. I am aware that since 1991, although there have been nine verdicts of unlawful death passed down by inquest courts, there has not been a single successful prosecution. When I was at the conference at Wolverhampton and heard Dame Anne Owers of the Independent Police Complaints Commission present, I felt that perhaps the organisation was not fit for purpose. I had this terrible vision that this was the Care Quality Commission in front of me—we know that it is trying to address the failings of the past—but I felt that the IPCC was not in a good place. Now it is under new leadership, but I fear that it has so much ground to make up that it will never recover the credibility required to make it the force it should be. With that, I shall conclude. I know that the hon. Member for Hackney North and Stoke Newington (Ms Abbott) is going to say a few words.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The hon. Member for Broxbourne (Mr Walker) has hit on one very important issue—the pain that this matter causes among communities. Deaths in custody have been an issue in the east end of London for the 25-plus years I have been a Member of Parliament. A number of names come to mind—Trevor Monerville and Shiji Lapite, for example. A number of aspects of the issue of deaths in custody cause pain in communities, one of which is the disproportionate number of such deaths in the black and the Irish communities. Another is the briefing that has always gone on in the wake of a death in custody—that the dead person had drugs in their system, for example. Then, months later, the facts emerge and we find that the briefing was completely misleading. There is no sadder thing—I have had to do it more times than I care to remember—than sitting with a woman who said goodbye to her son in the morning and later that night had a call from the police to say that he had died in their care. The hon. Member for Broxbourne is quite right that this is not an issue for any one community; it is an issue for the political class as a whole, which has not been prepared to listen to communities and families that remain in great pain—very often for years after these deaths happen.

The Minister for Policing, Criminal Justice and Victims (Damian Green): I thank my hon. Friend the Member for Broxbourne (Mr Walker), the hon. Member for Hackney North and Stoke Newington (Ms Abbott) and, indeed, the right hon. Member for Tottenham (Mr Lammy) for their powerful speeches and remarks. They are powerful because every death in police custody—irrespective of race, ethnicity or nationality—is a tragedy that this Government take very seriously. Every effort should be made by the police to ensure that those they come into contact with are treated proportionately,

humanely and lawfully, and that their personal well-being is of paramount importance when they are detained against their will in whatever custody setting. This debate has focused particularly on the treatment of black people in police custody, and I would like to go through a number of important points that my hon. Friend made, starting with his remark that the number of black people of Afro-Caribbean origin dying in police custody is disproportionately high, when the overall population is taken into account. In that regard, we need to step back. Looking at custody populations as a whole, we see that there is an over-representation of black people. The reasons for this are complex and at this stage we do not fully understand them. Indeed, there appears to be an over-representation of black people across the whole of the criminal justice system. The Ministry of Justice is conducting work to look more closely at the reasons for this, identifying where there is real disproportionality in the system and seeking to develop an appropriate response to it. That is where the disproportionality lies; it is not necessarily, as in the most tragic cases, only the deaths of black people in police custody that are relevant.

There is no statistically significant difference among those who die in custody based on membership of any particular racial or ethnic group. The IPCC statistics for 2012-13 show that there were 15 deaths in or following police custody, of which 14 were white and one was mixed race. Looking further back at the 2011-12 period, there were also 15 deaths, of which one was a black person and one of mixed race. The 2011 IPCC report on long-term deaths in police custody concluded that the ethnic breakdown of deaths in custody appeared to be broadly in line with the make-up of detainees more generally. I entirely accept that there is disproportionality in the criminal justice system, but it does not occur only in the context of deaths in custody.

My hon. Friend the Member for Broxbourne rightly raised the issue of mental health and policing. I am aware that black people are one and a half times more likely to be detained under section 136 of the Mental Health Act 1983. In response to the fact that such a high proportion of people with mental health problems—and of all or any racial origins—are being dealt with by the police, we have introduced a series of measures to improve the way in which they are handled.

People with mental health problems deserve care, support and treatment, particularly if they have not committed a criminal act. They have a right to expect to be treated by the health service rather than finding themselves in the hands of the police, who will always go to help in an emergency, but who are clearly not trained as mental health professionals. The Home Office has been conferring closely with the Department of Health, and we will shortly publish a concordat agreed by nearly 30 national organisations, agencies and Departments. It will provide national leadership by setting out the standard of response that people suffering mental health crises and requiring urgent care should expect, and key principles on the basis of which local health and criminal justice partners should be organised. It will leave not just the health service but the criminal justice agencies in no doubt about what is expected of them. It is precisely because a disproportionate number of black people are finding themselves sectioned under mental health legislation that the coming improvements in mental health provision will have a particular impact on those people.

One of the standard—and perfectly correct—complaints is that too often the police are relied on to transport people who would be better transported by ambulance. The Association of Ambulance Chief Executives is drawing up a national protocol on the transport of people suffering mental health crises—section 136 detainees—which I hope and expect will act as a catalyst for wider change and improvements.

The underlying point made by my hon. Friend was that any death in custody is one too many. Of course there needs to be continuous scrutiny, and work of that nature is now overseen by the Ministerial Council on Deaths in Custody. The council was established in 2009,