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Long Sentenced Women "Invisible" in Prison Policy and Practice

For woman serving an indeterminate sentence, the pains of imprisonment are exacerbated by the uncertainty and powerlessness which can commonly come to define their time in prison.

Prison Reform Trust: Most women (64%) received into prison are serving short prison sentences of less than 12 months. However, the small minority serving very long determinate or indeterminate sentences are often overlooked in advocacy debates and policy, meaning their experiences are not fully recognised, a new briefing released today by the Prison Reform Trust has revealed. Whilst women serving an indeterminate sentence continue to be a small minority of the total population of women in prison, the number has grown from 96 in 1991, to 328 in 2021. As a proportion of the women's population, women serving indeterminate sentences declined overall from 6% to 4% between 1991 and 2005, before nearly doubling from 6% to 10% between 2005 and 2013 and remaining roughly consistent since then. For anyone serving an indeterminate sentence, the pains of imprisonment are exacerbated by the uncertainty and powerlessness which can commonly come to define their time in prison.

This briefing highlights the far-reaching consequences of a lack of specialist, gender-specific, trauma informed provision for these women. Most women serving long prison sentences will have extensive histories of trauma and are often victims as well as perpetrators. In a study of women serving life sentences, 60% reported histories of sexual abuse, 80% had experienced physical abuse and 54% reported both sexual and physical abuse. Women lacking specialist support can feel isolated in their trauma; those serving long sentences are more exposed to repeat traumatisation.

One woman spoke of her experience: "Prisons need to be more trauma-informed. Staff need to be trauma-trained. In my time in prison…I'd wake up in the morning and I'd be totally happy, then I'd go into group therapy and come out suicidal because other people's trauma would trigger my trauma and you're just left to sit with it." Another woman spoke about the impact of other women self-harming in prison: "I'd never experienced self-harm until I went to prison, then I saw it on a massive scale…It's not something I'd seen before, I'd not seen people cut, walking down the landing and they're cut to the bone."

A key theme of the briefing was how the lack of specific provision for women serving long sentences also further impacts a woman's ability to maintain family contact. Women often have to transfer to different prisons during their sentences in order to access specialist interventions to meet the targets set in their sentence plans. However, this often means relocating to a prison further away from home and loved ones. One woman spoke about her experience: "Transfers to other prisons are extremely traumatic not just for us but for our families and friends. We are often moved many miles away, which causes visiting problems due to transport, ill health and financial problems."

Another woman said: "I saw my mum about four times in 14 years. I saw my son twice. I saw my sister about four times and I saw my dad more. When I went to another prison I was about 200 miles away from home so my dad only came once at Christmas" The lack of gender specific provision was also raised as an issue by women, with many undertaking offending behaviour programmes originally designed for men. These programmes may not adequately acknowledge trauma histories or experiences of abuse, meaning they could be ineffective or even harmful. Once woman said: "We feel it is still such a male orientated environment…I feel personally that we as women are not listened to."

This briefing provides an introduction to The Prison Reform Trust's work with women serving long sentences, which will build from the ground up to provide opportunities for women to collaborate and advocate for more holistic, gender-specific, trauma-informed approaches to the long-term imprisonment of women. Commenting, Dr David Maguire, director of the Prison Reform Trust's Building Futures programme said: "Women serving very long sentences should not be an afterthought. More must be done to recognise and understand the distinct needs of these women in order to mitigate the unnecessary harms associated with long-term imprisonment. This collaborative work with women serving these very long prison sentences will amplify their voices, in order to push for better gender-specific, trauma informed interventions for women serving long sentences." The briefing has been produced in collaboration with 16 women serving indeterminate sentences as part of the Prison Reform Trust's Building Futures programme, a five-year project funded by the National Lottery Community Fund to explore the experiences of people who will spend 10 or more years in custody. It is the first in a series which will aim to shed light on the distinct experiences of these often 'invisible women' serving long determinate and indeterminate sentences.

End Unjust Criminalisation of Victims of Abuse

Harriet Wistrich, Centre for Women's Justice: What is our criminal justice system for, and who does it protect? When victims of crime are forced directly or through circumstances of being in a controlling relationship to commit an offence as part of, or as a direct result of their victimisation, why should they face arrest or prosecution? Recentky I looked at the failure of the police and other criminal justice agencies to implement the laws, policies and procedural guidelines that exist to tackle violence against women and girls. Probably the most egregious failure arises where victims are treated as offenders. We see this at every stage of the criminal justice process, from police called out to 'domestic' incidents and arresting the victim rather than the perpetrator, right through to victims of historic child sexual exploitation continuing to be stigmatised by having to disclose criminal convictions that arose from their abuse.

Earlier this year CWJ published our report, 'Women who kill, how the state criminalises women we might otherwise be burying'. Although a relatively small number of women kill their male partners every year, the detailed research study shines a light on how the criminal justice system discriminates against women through its utter failure to understand the dynamics of violence against women and underlying causes which are rooted in structural inequality between men and women. Furthermore, women from black and minoritised backgrounds face additional discrimination due to racism and unconscious bias. The report shows that nearly 80% of women who kill men suffered violence and abuse from the deceased. Yet despite this only 7% were acquitted on grounds of self-defence , 46% convicted of manslaughter and 43% murder, resulting in extremely lengthy prison sentences. The report examines each step of the criminal justice process from arrest through to prison and parole revealing how a system designed to deal with male offenders (who comprise the vast majority of violent offenders) cannot respond fairly or justly to women, particularly those who are violent.

The pattern of failures and discriminatory treatment identified in our report on Women who Kill is played out repeatedly in prosecutions for offences less serious than homicide. For example, 'Effie' a migrant woman we are advising, was criminalised after her British partner – who had been physically and psychologically abusive towards her for months – called the police out to their home, alleging that she had physically injured him during an argument. At the time of her arrest safeguarding concerns had already been raised recognising that she was at 'high risk' of harm from her partner, yet instead of investigating who the 'primary' perpetrator in the

relationship was, the police arrested her and imposed strict bail conditions which rendered her homeless and separated her from her breastfeeding child. She was convicted of assault, although successfully appealed.

CWJ sought to introduce two amendments to the Domestic Abuse Bill which would create new statutory defences for women prosecuted for offences committed as a consequence of being subject to abuse. The House of Lords voted in favour of these amendments, but the government opposed them. The first amendment aimed at extending the so-called 'householder defence' available where a householder is confronted by a burglar and uses disproportionate force to defend himself. We proposed this defence should be extended to circumstances where a victim of domestic abuse uses 'disproportionate' force to defend herself from the abuser. We found in our research on women who kill that most women used a weapon when confronted by an unarmed physically stronger and habitually more violent attacker, yet the use of a weapon would usually be regarded as disproportionate force so self-defence would fail and even attract an increased sentence because the offence was 'aggravated' of the use of a weapon.

The second defence we are seeking to introduce is modelled on a defence under the Modern Slavery Act 2015 which recognises that trafficked victims may be forced to offend on account of having been a victim of a trafficker. We must ask why the CPS persist with the prosecution of women who are clearly victims of abuse. What purpose is served where the only reason she offended was because of being victimised in circumstances where she would otherwise represent no risk. The availability of such defences ought also to dissuade the Crown Prosecution Service from prosecuting some of these offences. The CPS, have a two-stage test for making decisions to charge. They must first consider whether the 'evidential test' is met (there must be a reasonable prospect of conviction on the evidence available). If the evidential test is met the CPS then go on to consider the public interest test which means they can decide not to prosecute a case if not in the public interest. This provides an opportunity, even in the absence of available defences, for the CPS to decide not to prosecute a victim of domestic abuse who offends when under coercion and control. Yet the public interest test is rarely applied, and we must ask why the CPS persist with the prosecution of women who are clearly victims of abuse. What purpose is served where the only reason she offended was because of being victimised in circumstances where she would otherwise represent no risk.

Another alarming example of the criminalisation of victims of abuse occurs when some women are prosecuted for wasting police time or perverting the course of justice. When reporting a crime of violence against them, women, in particular those with mental health problems or other additional vulnerabilities, may be disbelieved. These women are routinely targeted by abusers, yet when they report a crime they may be somewhat incoherent or inconsistent which can seem to undermine the veracity of their account, but this should not lead to their automatic prosecution. We know that women's prisons are full of victims of abuse. And it is often not just the woman who is punished , frequently she will have children or others relying on her care from whom she will be separated. Furthermore, as the just published Prison Reform Trust report, Invisible Women has found, women serving long, indeterminate sentences, have 'life histories read as catalogues of suffering and abuse'.

And it is not just the period in prison which is punishment, criminal convictions will stay on the police national computer until the offender reaches the age of 100, regardless of the offence they were convicted of, and most convictions will be disclosable under the Disclosure and Barring Scheme when applying for work and volunteering with vulnerable people. Our legal challenge in the case known as 'QSA' related to the mandatory retention and disclosure of historic convictions arising from street prostitution. Many women who were abused, often initially as children, by pimps and punters have to live many years after their escape from that abuse with the shame and stigma of these lifetime 'criminal' convictions. Two of the women involved in the legal case have now started the HOPE campaign seeking to expunge all criminal records arising from street prostitution. We would also like to see similar mechanisms available allowing victims of domestic abuse to apply to filter or expunge those convictions arising from their abuse.

Offender Facing Deportation One Month Reasonable Time To Source Bail

In R (Babbage) v Secretary of State for the Home Department [2021] EWHC 2995 (Admin), the High Court found that a person with an extensive offending and adverse immigration history who posed high risks of re-offending and absconding was unlawfully detained because of the poor prospects of enforcing his removal to Zimbabwe, and delays in sourcing a release address. The judgment is fact-specific, but the court's approach to these two issues is likely to be useful to practitioners in other cases, particularly the analysis of the relevance of release address delay. Mr Babbage had permission to stay through UK ancestry from 2003 until 2012. That year, the Home Office initiated deportation proceedings following a conviction for robbery, for which he received a 30-month prison sentence. He had previously brought judicial review proceedings which led to an order for release from detention on the basis that there was no realistic prospect of removal to Zimbabwe within a reasonable period of time, meaning that his detention breached the third Hardial Singh principle.

In this latest case, Mr Babbage challenged his detention from 7 February 2020 until his release on 29 April 2021. This followed a short custodial sentence for a breach of a community order. The obstacle to Mr Babbage's removal was the Home Office's inability to secure an emergency travel document (ETD) from the Zimbabwean authorities. It had been the longstanding position of the Zimbabwean government that they would only issue ETDs to voluntary removals. Mr Babbage would not return to Zimbabwe voluntarily. A Home Office witness gave evidence that as a result of an agreement with the Zimbabwean government to post an immigration official to its embassy in London, from September 2018 it had been possible to enforce the removal of involuntary returnees. In November 2019, this official interviewed Mr Babbage and, following verification checks, agreed to issue an ETD. There was then a delay due to negotiations over help with reintegration, and then in March 2020 the process ceased because of the Covid-19 pandemic. The court heard that there had been six enforced removals of involuntary returnees in the first quarter of 2020 but none thereafter. An additional obstacle from January 2021 was the unwillingness of the Home Office's escorting contractor to fly to Zimbabwe due to the presence of the Covid-19 Beta variant.

The Hardial Singh issue: At the outset of his consideration of whether Mr Babbage's detention complied with the Hardial Singh principles, the judge stated: "At every stage of his administrative detention commencing in February 2020, the Claimant's historic conduct in my judgment gave rise to significant risk of absconding and re-offending. Whilst the most serious offence had been in 2011, there had followed a continued pattern of re-offending, including repeated failures to comply with Court orders and bail conditions. The risk of absconding was enhanced by the Claimant's clear statements at all stages that he was unwilling to return voluntarily to Zimbabwe."

There was no evidence before the court from the relevant Home Office decision-makers. The judge held that this placed the department at a disadvantage in discharging the duty on it to disclose all relevant facts and the reasoning behind the decisions challenged. A witness statement had been placed before the court, but the witness had not been directly involved in the deci-

sions, the statement was based on a review of the records and in a number of respects it sat uneasily with the contents of the records and other evidence. The judge gave "some weight to the general problems and uncertainties which the pandemic induced in all areas of public and private life at the various stages of the Claimant's detention".

But he found that there was no realistic prospect of removing Mr Babbage within a reasonable period of time from 18 September 2020, which allowed for a one-week grace period following a detention review on 11 September 2020: 'In my judgment, the point had now been reached where, giving full weight to the risks posed by the Claimant, there was no realistic prospect of his removal within a reasonable period. Seven months on from the original detention, the available information gave no basis for any useful assessment as to when enforced removals might recommence.'

The section 4(2) bail accommodation issue: Under section 4(2) of the Immigration and Asylum Act 1999, the Home Secretary - may provide, or arrange for the provision of, facilities for the accommodation of a person if – (a) he was (but is no longer) an asylum-seeker, and (b) his claim for asylum was rejected. Mr Babbage applied under this section for accommodation. His application was granted in principle on 1 July 2020, but no bail address was forthcoming. It was common ground that while the Home Office is not obliged to provide section 4 accommodation, it does have a legal duty to: (i)… consider and make a decision on a s.4(2) application within a reasonable period of time; and if the application is granted, (ii) to source accommodation within a reasonable period of time. The issue of delay in providing section 4 accommodation was addressed in AO v The Home Office [2021] EWHC 1043 (QB). This judgment was handed down the day after argument in Mr Babbage's case concluded and there was a further hearing to consider it.

The AO decision on bail accommodation delay. In AO, the court decided that on the facts of that case there had been a number of breaches of the section 4 duty due to errors and delays in deciding the application and in sourcing accommodation once the application had been granted. The court decided that if the section 4 duty had been complied with, accommodation would have been in place by the time that detention reviews acknowledged the claimant should be released. The errors in deciding AO's application for section 4 support therefore bore upon, and were relevant to, the decision to detain, and so meant that detention was unlawful. The department failed to provide satisfactory evidence to establish that detention would have been maintained even if accommodation had been in place, meaning that AO was entitled to compensatory rather than nominal damages.

Delay in Mr Babbage's case: In Mr Babbage's case, the court accepted that the one month – from 1 June to 1 July 2020 – it took to grant the section 4 application was reasonable. Mr Justice Soole then turned to the issue of delay in finding accommodation. The department was again at a disadvantage as a result of its failure to provide evidence of the attempts made to source a release address. It had decided that Mr Babbage required "level 2" accommodation, which meant that he was not being treated as a high risk offender. In normal times, a target of nine days had been considered reasonable. Making due allowance for the pandemic, Soole J held that a period of one month to source accommodation (i.e. until 1 August 2020) was reasonable. The next issue was whether the public law error, in the form of the unlawful delay in sourcing a release address after 1 August, bore upon and was relevant to the decision to continue detention. The court held that Mr Babbage would have been released if a section 4 release address had been provided by the time of a detention review on 14 August 2020. Therefore, his detention from 14 August 2020 until his release on 29 April 2021 was unlawful. Mr Babbage, like AO, was entitled to compensatory damages.

Implications for other bail accommodation cases: In order for a breach of the section 4(2) duty to render detention unlawful, the breach must bear upon and be relevant to the decision to detain. The same goes for any other statutory duty on the Home Office to provide accommodation, such as Schedule 10 of the Immigration Act 2016. This is not a causation test, such that it must be shown that if accommodation had been available the individual would have been released. But it will likely be necessary to show that release was at least actively being considered and was a realistic possibility had accommodation been ready. Finally, in less clear-cut cases than Mr Babbage's, the Home Office may seek to argue that only nominal damages should be awarded. This would be on the basis that even if a release address had been available at the relevant time, detention would have been maintained.

HMP Chelmsford - Serious Concerns Remain - Deterioration in Rehabilitation/Release

At this inspection we found no improvement in outcomes in safety and purposeful activity, both of which remained poor; no improvement in respect where outcomes remained not sufficiently good, and a deterioration in rehabilitation and release planning to not sufficiently good. The last time we were able to write a positive report about this prison was 10 years ago and it was clear to us that the jail was failing in its basic duty to keep those it held safe. This report also highlights our concern about the negative and damaging staff culture. Many staff were new or inexperienced, their morale was low and they were disengaged from their work and dismissive of the men in their care. Prisoners found it very difficult to access even the most basic entitlements and were frustrated that they could not get things done. We were told that this frustration had led to an increase in assaults on staff. The negative culture among some staff was compounded by a lack of management oversight or accountability, which allowed poor staff behaviour and practice to go unchallenged. Other very serious concerns included the inadequacy of the prison's response to the high levels of suicide and self-harm,

The similarly deficient response to some of the highest levels of violence in the prison estate. The paucity of the daily regime meant that many prisoners spent extended periods locked up and isolated in their cells. It was no surprise that many prisoners told us that they felt unsafe at the prison. Such factors, combined with the inherent risks and vulnerabilities associated with Chelmsford's status as a frontline local establishment and the failure to grip the prison's problems over recent years, meant that Chelmsford met our criteria for an Urgent Notification. I concluded my letter to the Secretary of State by saying that HMP Chelmsford would not improve without a sustained drive to make sure that all staff members take responsibility for creating a safer, more decent environment, a meaningful regime and greater engagement with training and education. I argued that this will require strong and consistent leadership at all levels within the prison and much more effective support from HMPPS. As we indicated in 2018 and repeat now, the drift and decline at this prison must be addressed. Charlie Taylor HM Chief Inspector of Prisons September 2021

Supreme Court Hears Kurdish Flags Appeal

Sam Tobin, Law Gazette: Three men found guilty of carrying a Kurdistan Workers Party (PKK) flag are appealing against their convictions at the Supreme Court, arguing that a 'strict liability' offence for carrying the flag of a proscribed organisation is 'incompatible' with their right to freedom of expression. Rahman Pwr, Ismail Akdogan and Rotinda Demir were convicted of an offence under section 13 of the Terrorism Act 2000 for carrying a PKK flag at a protest in London about war crimes allegedly being committed in Afrin, Syria in January 2018. The trio challenged their convictions at the Crown Court and then the High Court, which dismissed their appeal last year. They have now appealed to the UK's highest court, which last week

was told that a strict liability offence is inconsistent with the presumption of mens rea.

Section 13 makes it an offence to wear, carry or display an article 'in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation'. Joel Bennathan QC, for the appellants, argued in written submissions that the section 13 offence is 'silent as to *Mens Rea'. He also said that his clients' convictions were incompatible with Article 10 of the European Convention on Human Rights. 'There was no finding in the Crown court that they knew what flags they were carrying, intended to express support for any proscribed organisation, or incited anyone to violence,' Bennathan argued. 'The European Court of Human Rights case law, properly understood, does not permit a strict liability offence of this nature.' 'Irrespective of the facts of their cases, the Divisional Court's approach to section 13 would allow a protester with an innocent explanation to be convicted,' he added. 'How is such an arbitrary offence accessible or foreseeable?' Louis Mably QC, for the Director of Public Prosecutions, said in written submissions that 'the clear intention of parliament was to create an offence of strict liability'. Section 13 'constitutes a proportionate interference with the freedom of expression', he added. *Mens Rea - the intention or knowledge of wrongdoing that constitutes part of a crime.

Senior Gangster's Presumption of Innocence Not Impartial in his Trial

In the Chamber judgment in the case of Mucha v. Slovakia (application no. 63703/19) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights. The case concerned the applicant's conviction and sentencing to 23 years' imprisonment for various organised-crime activities, including violent offences. Part of the reasoning of the domestic courts had been based on evidence testimony by accomplices who had turned State's evidence following plea-bargain agreements. The applicant's conviction had been pronounced by the exact same threejudge bench as had adjudicated in the plea-bargain agreement convictions, and that bench recognised that those convictions were a part of the case against the applicant. The Court found in particular that the earlier judgments had made it clear that the applicant had been responsible for specific criminal actions. Given the role they had played in the applicant's trial before the same court, his doubts as to its impartiality were objectively justified.

Prison Population Projected to Rise to 98,500

"The latest projection for the prison population will be portrayed by ministers as a policy success, with more criminals brought to justice. But the detail actually contains multiple admissions of failure. The government is recruiting 23,400 police officers but has no idea whether their time is to be spent preventing crime or chasing after it. Action to reduce reoffending is promised but apparently will have no impact. A strategy to reduce the imprisonment of women will fail so completely that the female prison population will grow by over a third. Inadequate support in the community for people on indeterminate sentences will mean that even more are being needlessly recalled to prison. By 2025, around 30% of our prison population will be over 50 years old, when the peak age for offending is people in their late twenties. "The price of all these failures is an extra 18,000 people in prison by 2025, costing us all an additional £800m every year, not to mention the £4bn already put aside to build the cells to house them. Exactly why, uniquely in western Europe, we need to lock up so many of our fellow citizens, is never explained. It's a foolish waste of scarce resources, driven by politics, not evidence."

Pursuit of Racial Justice and the Limits of the Law

Bharat Malkani, Justice Gap: Anti-racism campaigners have long turned to the legal system for help, whether that be to tackle the injustice of slavery in the 1770s, or the racial bias of facial recognition technology in the 2020s. But just how helpful have legal processes been for challenging racial injustices? To explain the scope of the problem, it is helpful to explore how legal rules have developed from being staunchly pro-racist, to being broadly anti-racist. This overview puts the problem into stark relief: if the law on paper should be useful to anti-racists, why do campaigners and lawyers struggle to fight racial injustices in the courts? The answer to this lies in the systems and processes that stymy the effectiveness of the law.

We can start by looking at what the law said about slavery and colonialism. During the 1600s and 1700s, courts and senior legal officials were quite content to declare that people from Africa could be classed as 'merchandise' for the purposes of legal transactions, since they were commonly bought and sold. Even when Chief Justice Mansfield stated that slavery is 'so odious', he still questioned whether it would be desirable to let people from Africa roam the streets of England freely. In the 1800s and early 1900s, the government used a variety of legal rules to enable and justify the mistreatment of people in the colonies of the British Empire. In Kenya, for example, indigenous Kenyans were forced by law to work for British settlers, and the law was used to detain, torture, and execute those who dared to resist.

The law's relationship with race evolved after the Second World War. The British Nationality Act 1948 appeared to recognize the legal rights of those who lived in the colonies, but the cultural and social antipathy to immigrants during the 1950s led to the Commonwealth Immigrants Act of 1962, which gave legal sanction to racist views. The following year, a boycott in Bristol in protest at a bus company's racially discriminatory employment practices gained national and international attention, which led to the enactment of the Race Relations Act in 1965. This was the first Act of Parliament to expressly outlaw racial discrimination, and it has been followed by a whole range of laws that intend to outlaw discrimination and incidents of 'racial hate crimes', spurred by the racially aggravated murder of Stephen Lawrence in 1993. Today, on paper at least, legal rules offer hope for those concerned with righting racial wrongs.

But despite these advances, advocates for racial justice still struggle to find solace in the law. For example, the victims of the Windrush scandal have struggled to secure compensation for the distress they've suffered; young Black men in particular still suffer disadvantage and discrimination in the criminal justice system, with the courts refusing to address the problem of racially discriminatory stop and searches. And even when courts have decided in favour of victims of racism, the decisions rarely instigate much needed societal and cultural changes. Despite rulings chastising employers for race discrimination, for example, the problem still persists.

There are at least three reasons why advocates for racial justice have struggled with the legal system. First, legal rules are something of a holy grail: enticing and full of promise, but almost impossible to access. Cuts to legal aid have made it difficult for victims of racism to deploy the services of a solicitor, and lawyers have lacked the resources to conduct the work required to litigate effectively. In these cases, it does not matter what the law says on paper; what matters is the inability to make use of these laws. Second, the adversarial nature of legal processes can exacerbate racial tensions. You may defeat your employer in an Employment Tribunal hearing, but you'll bear the cost of that victory when you return to work the next day. Third, lawyers and those who work in civil society organisations are not necessarily trained to be anti-racist, and so do not always see the undercurrents of racially discriminatory practices. For someone not schooled in racism, either through life experience or education, it can sometimes be difficult to spot racism in action. Lawyers need to be trained, for example,

to identify when a police officer is making prejudicial statements about a black person even if that officer is not explicitly referring to the individual's skin colour. The Howard League for Penal Reform, in association with Black Protest Legal, recently published a guide on anti-racism for lawyers working in the criminal justice system, but there is scope for similar guides for those working in other fields.

If the law in practice is going to meet the promise of the law on paper, the government needs to reverse the cuts to legal aid that have brought the justice system to its knees. However, the prospect of the government increasing access to justice might seem remote at best. If anything, the government appears to be intent on returning to the days when laws were explicitly racially discriminatory. The Police, Crime, Sentencing and Courts Bill which is currently working its way through Parliament has been described as 'a racist law' by those concerned with the rights of Gypsy, Roma and Traveller communities, because it will effectively criminalise their way of life. If this Bill becomes law, its impact will extend to all racialised people because it will send a signal that the law exists to create and entrench racial injustices. For now, then, it is imperative for campaigners and lawyers to engage with anti-racist training and consider the appropriateness of formal legal action in any given case, because while the law can be a powerful weapon on the armoury of anti-racists, more holistic approaches are needed in the pursuit for racial justice.

FOI: Existing Transparency Law no Longer Fit for the Modern Age.

Jim Waterson, Guardain: Private outsourcing companies that win government contracts should be subject to freedom of information rules, according to the outgoing information commissioner, who warned the existing transparency law is no longer fit for the modern age. Elizabeth Denham, whose organisation is in charge of investigating breaches of data laws, said the public and the media were being left in the dark by private firms taking advantage of the loophole and refusing to supply information. "The scope of the act doesn't adequately cover private sector businesses that are delivering public sector services" she told the House of Commons on Thursday, echoing an idea that was Labour party policy under the former leader, Jeremy Corbyn. "Up to 30% of public services are delivered under private sector contracts but those bodies are not subject to the law."

Denham also said ministers should ensure any new government institutions were also subject to freedom of information laws, which allow any member of the public to request documents from organisations. "I am concerned when new public bodies are created that are not subject to the same transparency requirements." Denham, who steps down next week, also said ministers must do more to ensure they are retaining records of official government business, even if it is through services such as WhatsApp and Twitter. Her organisation is currently investigating the use of private communications for government business by individuals at the Department of Health and Social Care, which was responsible for awarding large contracts to supply protective equipment and test facilities at the height of the pandemic. In one case, the former health minister Lord Bethell mislaid his personal phone before it could be examined for information. "It's so important that ministers and senior officials walk the walk when it comes to transparency, in whether they are creating permanent records, whether they staff the freedom of information team, whether they resource it properly," she said. "Ministers and those at the top of public bodies have a huge influence on whether or not their staff embrace the spirit of transparency in their work." Highlighting the role that freedom of information requests played in exposing the Windrush scandal, Denham told the public administration and constitutional affairs select committee that the legislation should be updated to encourage transparency: "I really think it's time for parliament to think about whether freedom of information needs to be

fit for purpose for a digital age." She expressed disappointment that the Cabinet Office had refused to let her conduct an audit of its central clearing house for freedom of information requests, which has been accused of blocking demands for information from journalists and campaigners. She said the biggest challenge for her successor would be securing enough funding from the government to allow it to carry out its work in the face of funding cuts: "We had £5.5m in our budget for freedom of information work in 2010, we now have £3.75m"

Prison Leavers to Wear Alcohol Tags Others to Wear Tracking Tags

Inside Time: Some people leaving prison will have to wear tags which can detect if they drink alcohol, under a scheme which began last week. Probation can now add a condition to an ex-prisoner's release licence, requiring him or her to be teetotal for a period of between a month and a year. A 'sobriety tag' tests the wearer's sweat at regular intervals to determine alcohol levels in the body. They can be used in cases where an individual's risk of reoffending is thought to increase when they are drinking. The technology began to be used last year for people given non-custodial sentences – and so far, those wearing the devices have stayed sober on 97 per cent of the days they were tagged. On November 17 it began to be used for ex-prisoners on licence in Wales. Next summer it will be extended to ex-prisoners on licence in England.

The Government, which calls the scheme a "world-first", expects that 12,000 people in England and Wales will wear one of the tags over the next three years, including people on community sentences and released prisoners. People who are alcohol-dependent cannot be required to wear the tags, because it would be unsafe. Those required to wear the tags will have the licence condition reviewed every three months to assess whether it is still necessary. Justice Secretary Dominic Raab said: "This innovative technology has been successful in policing community sentences with offenders complying over 97 percent of the time. Rolling the tags out further will help cut alcohol-fuelled crime, which causes untold misery for victims and lands society with a £21 billion bill each year. Offenders now have a clear choice. If they don't work with probation staff to curb their drinking and change their ways, they face being sent back to jail."

In a separate initiative, some ex-prisoners who served sentences for robbery, burglary or theft are being required to wear satellite-tracking tags to enable police to monitor their movements. These GPS tags are expected to be used on 10,000 prison leavers over the next three years.

Three-Quarters Of Women Leaving HMP Bronzefield Have No Secure Home

Inside Time: A watchdog has called for action after a finding that 77 per cent of women released in one month from Europe's largest female jail had no safe and secure accommodation to go to. The Independent Monitoring Board (IMB) at Bronzefield prison, in London, sounded an alert about the situation in its annual report published last week. Alison Keightley, chair of the prison's IMB, said: "An unacceptably large number of women leave Bronzefield without safe and secure housing, particularly those released into London. This number has increased since the restructuring of probation services reduced access to in-prison specialist advice. It exposes women to unnecessary risks, increases the chance of reoffending, and urgently needs to be addressed."

A rehousing service which had been provided by the homelessness charity St Mungo's was halted due to the reorganisation. Earlier this year the Government announced a £20 million initiative to provide homes for an estimated 3,000 prison leavers at risk of homelessness in five probation areas in England in 2021/22, but the scheme does not cover London. Dame Anne Owers, national chair of the IMB, said women who had been victims of domestic abuse were being forced to return to

live with their abusers due to the shortage of homes. She said: “For all prisoners, accommodation is pretty critical because without that you can’t get your life together, and for women it is particularly important. In Bronzefield, my understanding is that the organisations contracted haven’t even been in the prison yet and in July they had 77 per cent of women being released to no stable accommodation. The majority of the women are released in London and it’s a particular problem in London. “There’s also an issue with women who might be being released back to the family home if they’ve been victims of domestic violence. It’s counted as ok if the woman is going back to the family home, even if she’s been a victim of domestic violence.”

Belfast Murders: What Are Police Trying to Hide?

Anne Cadwallader, Declassified UK: In an unprecedented and controversial move, the Northern Ireland police chief wants to censor a watchdog’s report into a mass murder before it is even published. South Belfast, February 1992. Two gunmen burst into a bookmaker’s shop on Ormeau Road. One opens fire indiscriminately with an assault rifle. The second uses a Browning pistol, firing at the wounded at close range. By the time they are finished, five people are dead. Fast forward almost 30 years to today, and the truth about this awful crime is still being suppressed. The independent Police Ombudsman has looked into disturbing claims the gunmen were in cahoots with the police. Their report is now finally ready to come out, but Northern Ireland’s chief constable is trying to censor it. This smacks of a cover-up, especially given what we already know.

The pistol used in the attack came from a local British army barracks. It was taken from the armoury by Ken Barrett, a police informer and loyalist paramilitary – a violent gangster who wanted Northern Ireland to remain part of the UK. The pistol then went through a pass-the-parcel series of events. Barrett gave it to another police informant who passed it to the police. Instead of confiscating the weapon, they remarkably returned it to the Ulster Defence Association – a loyalist gang. The weapon was received by the group’s “quarter-master”, William Stobie, who was also a police agent. Barrett was given a life sentence for the 1989 murder of Belfast solicitor, Pat Finucane, but has since been released and is believed to be living at an unknown location in southern England. As one of the killers is also believed to have been a police agent, and who is alleged to have gone on to kill another nine people, the Ombudsman’s report is keenly anticipated.

100 People With Learning Disabilities/Autism Held More Than 20 Years in ‘Institutions’

BBC: Jayne McCubbin & Ruth Clegg: One hundred people with learning disabilities and autism in England have been held in specialist hospitals for at least 20 years, the BBC has learned. The finding was made during an investigation into the case of an autistic man detained since 2001. Tony Hickmott's parents are fighting to get him housed in the community near them. BBC News overturned a court order which had prevented reporting of the case. Mr Hickmott's case is being heard at the Court of Protection - which makes decisions on financial or welfare matters for people who "lack mental capacity". Senior Judge Carolyn Hilder has described "egregious" delays and "glacial" progress in finding him the right care package which would enable him to live in the community. He lives in a secure Assessment and Treatment Unit (ATU) - designed to be a short-term safe space used in a crisis. It is a two-hours' drive from his family.

A few weeks ago, Judge Hilder lifted the anonymity order on Mr Hickmott's case - ruling it was in the public interest to let details be reported. She said he had been "detained for so long" partly down to a "lack of resources". Like many young autistic people with a learning disability, Mr Hickmott struggled as he grew into an adult. In 2001, he was sectioned under the Mental Health Act. He is now 44. "Nine months we were told he'd be away, until they found him a suitable place in the Brighton area," says his father, 78-year-old Roy. Mr Hickmott was finally declared "fit for discharge" by psychiatrists in 2013, but he is still waiting for the authorities to find him a suitable home with the right level of care for his needs. "If he'd murdered someone he'd be out now. He's lost his family, he's lost his home," says his mother Pam, who is 81. "He's just a shadow of the human he used to be. There are so many families like us - crying and screaming. We are our children's voices." His Assessment and Treatment Unit care is paid for by the NHS - but the cost of housing and caring for him in the community with trained staff would fall to Pam and Roy's local authority, Brighton and Hove, and local NHS commissioners. That process has been bogged down in delays and wrangles. Pam believes the delays are over funding. "We've got judges telling them to get on with it but they're still not doing it, they're still fighting over the money." Ministers pledged to reduce the number of patients in such hospital settings by 35% by March 2020, with the aim of people being back in their communities with tailored support packages. But, by March last year, there were only 300 fewer patients detained - a reduction of just 13%. The 35% target has now slipped to 2023/24.

Journalists Focusing on ‘Symptoms Not Causes’ and Failing to Explore Justice Issues

Journalists were failing to properly explore justice issues ‘focusing more on the symptoms than root causes’, according to research published this week. A new report by the Criminal Justice Alliance, a coalition of 160 organisations, into media reporting of the criminal justice system highlighted the concerns of people with lived experience dealing with the press. ‘We need to draw back [on] sensationalism. We shouldn’t be used to sensationalise a story,’ one said. The CJA is working to help journalists to report ‘more sensitively and constructively without infringe on their independence’. ‘Respondents felt that reporting doesn’t focus enough on the root causes that lead people to commit crimes,’ the report said. The study draws on a series of interviews with criminal justice experts and academics as well as a survey of criminal justice charities. The authors reported ‘a negativity bias’. ‘Respondents told us that journalists too often focus on the problem of crime rather than solutions, which impacts public perception of crime and subsequently the government agenda,’ they wrote. The CJA makes a series of recommendations including calling for a criminal justice media advisory service to be established to provide advice and guidance to journalists on portraying criminal justice issues ‘accurately and humanely’. It also calls for journalists to explain to someone with lived experience the impact that media cover can have.

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, 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, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan