**Miscarriages of JusticeUK (MOJUK)**
**22 Berners St, Birmingham B19 2DR**
**Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk**

# MOJUK: Newsletter 'Inside Out' No 920 (13/10/2022) - Cost £1

## Prison System Failing to Prepare Long Term Prisoners For Release

Prison Reform Trust:Making Progress?, is the first consultation report of the Prison Reform Trust's Building Futures programme. It follows collaboration with people from around 30 prisons, who have all served—or will serve—a continuous period of at least ten years in custody. The consultation found that prisoners were confused and disillusioned by the apparently simple proposition that they are required to reduce 'risk'. Whilst talk of risk pervades prison life and affects many aspects of prisoners' experiences, this catch-all term masks important details—risk of what, from what, to whom, in what circumstances?

Demonstrating reduced risk is of particular importance to those whose release ultimately depends upon approval by the Parole Board—and if recent proposals become law—the Secretary of State for Justice. The report suggests that this confusion stems from a mismatch between what prisons appear to expect from prisoners—broadly, compliance with the rules—and what those in probation and the Parole Board are looking for prisoners to demonstrate to secure their own development and eventual release. Participants told us that this was leading to them spending years of "nothing time" in prison. Years, often in the middle part of their sentence, where the sentence felt purposeless and stagnant.

A life sentenced prisoner, quoted in the report, sair: "Progress? Which part? Serving a life sentence longer than I have lived—is that normal? It felt as if the prison estate did not even know what to do with us. The reality is lifers at the beginning of our sentences were just warehoused like livestock…sadly many lifers, myself included, saw progression as somewhat of a myth" Another highlighted that their sentence length was acting as a barrier to progression: "[O]ffending behaviour programmes are prioritised by earliest release date. Which means I have little to no prospect of progressing through my sentence plan or the prison system." For others it was their age: "A minority (but still a substantial number) of long-term prisoners are aware that they are unlikely to live until the end of their sentence. Being rehabilitated to re-enter society is for them (myself included) a false goal."

The report recommends that HM Prison and Probation Service should develop a long-term prisoner policy framework. It should equip staff working with long-term prisoners to assess risk; communicate this effectively with prisoners and other criminal justice professionals; and give explicit guidance and direction on what kinds of behaviour may demonstrate lowered and elevated risk in future assessments. It also recommends earlier involvement with the Parole Board in reviewing progress. This would allow any potential roadblocks to release to be identified and a plan to be developed which outlines the steps prisoners can take. With so many years in custody to work with, the system should be aiming for far more prisoners to be ready and safe for release when the period set for punishment expires.

Commenting, Dr David Maguire, Director of the Prison Reform Trust's Building Futures project said: "Successive governments have legislated to make sure that people convicted of the most serious crimes are spending much longer in prison. Far more also now have to convince the Parole Board that they are safe to release when the period set for punishment expires. But what we found on the ground was confusion and frustration, with time wasted rather than used constructively. Ultimately, that results in people serving longer than the court considered necessary for punishment, and poorly prepared for life after release. That amounts to a systemic failure which undermines both justice and public protection."

## Guidance on Parole Reforms Published

Peter Dawson, Prison Reform Trust:PRT have now had a reply from Stuart Andrew MP to theirr two outstanding letters about parole changes. And a further release of documents from the Parole Board following a Freedom of Information request. The letter from Stuart Andrew clarifies some issues, particularly in relation to when and why the Secretary of State might offer a "single view" to a parole hearing. It makes very clear that this will be comparatively rare – maybe 150 cases a year, but the criteria include a broad "public confidence" test which means that it's very hard to predict exactly who will be affected.

The letter doesn't provide the data we asked for to show what has been happening to recommendations for open conditions since the rules changed. We don't know whether this data will be disclosed or not. But what the letter does make clear is that ministers are only likely to be involved personally when one of their officials in the ministry agrees with a Parole Board recommendation that someone should progress to open conditions. Ministers are clearly assuming that will be a rare occurrence. So it will be officials who will be interpreting the new guidelines and if ministers have given them any guidance on how to do so, it isn't being made public. It's not unreasonable to assume that officials will now start from a presumption of rejecting recommendations for open conditions rather than a former presumption of accepting them. The letter also drops a strong hint that officials may agree fewer pre-tariff reviews than previously (in its reference to the option of declining to ask the Parole Board for advice on the question of whether someone should be considered for open conditions). Only the data we have asked for will ultimately confirm whether this is what is happening or not.

There has in reality been a significant shift of influence away from an independent, publicly accountable parole board taking evidence directly from prisoners and experts. *"That influence has moved to an unaccountable team of officials operating behind closed doors. Those officials don't need to have been trained to operate the new criteria, and essentially have to make up the definition of what counts as 'likely to undermine public confidence' as they go along."*

We've already seen evidence of that in at least one refusal letter forwarded to us. Just as we have been given no data on what's happening with decisions, so too the ministry has nothing to offer on what the impact of these changes might be on the length of time people will spend in custody as a result. In correspondence with the ministry in the chaotic run-up to implementation of the new rules the Parole Board offered a conservative estimate that the changes would require an additional 800 prison places a year. But the minister thinks the consequences for prison capacity will be "manageable". For that to be true there will have to be a radical rethink of what Category C prisons have to offer by way of regime and access to release on temporary licence (ROTL). We know that officials are now looking at those issues, but like everything else connected with these changes, work that should have been done before they were made is having to be done in a desperate rush to catch up.

The further material provided by the Parole Board in response to our freedom of information request is comprehensive and should prove useful to anyone preparing for a hearing. It shows that the Board is determined to preserve its right to ask report writers direct questions about their opinions, even if the Secretary of State has instructed those report writers to sidestep them. A current judicial review will grapple with the absurd situation that has created later in the autumn.

The Board's guidance to its members is also useful in suggesting what might make it "essential" for someone to go to open conditions. Specifically, panel members will look for evidence that: 1) A settled period in less restrictive conditions is considered essential to prepare the prisoner for eventual release by providing the opportunity for release on temporary licence (ROTL); and 2) It is essential to test residual risk following the completion of risk reduction interventions which

cannot be undertaken in the closed estate. But the guidance notes that the criteria have moved away from balancing the assessment of risks and benefits. The emphasis must now focus primarily on risk reduction and only where it cannot be achieved in closed conditions.

Of course, since the minister wrote the letter, his boss, Dominic Raab, has left the government. In almost her first act, the new Prime Minister binned Raab's pet project of a "Bill of Rights". That bill was widely seen as being necessary to pave the way for Raab's desire to have the Secretary of State take release decisions personally in high profile parole cases. We hope his successor, Brandon Lewis, may also see it that way and concentrate instead on more pressing matters in his new portfolio. But we will also keep up the pressure to think again both about criteria for progressing to open conditions and for denying report writers the chance to make recommendations to parole board panels. The quicker he reverses these unnecessary changes, which seem to have been very much a personal obsession of his predecessor, the quicker he can escape the multiple problems they have created.

**Prisons Wrongly Opening Rule 39 Legal Letters**

*Inside Time:* During the past year, the Ombudsman upheld 26 complaints from prisoners in England and Wales that staff had breached Rule 39 of the Prison Rules, which guarantees privacy for correspondence between lawyers and their clients in custody. A similar number of complaints about Rule 39 were investigated but rejected – meaning that around 50 prisoners felt their rights were breached. Rule 39 states that letters sent by solicitors, courts or particular advice organisations to their clients in prison, which are clearly marked as privileged correspondence, should be passed directly to the prisoner rather than being opened by staff as normal letters are. Prisoners writing to their lawyers may seal the letter before posting it, so that staff cannot read it.

Most of the upheld complaints were about incoming legal mail being opened by staff before being handed to the prisoner. Others included staff reading or failing to send outgoing legal mail; incoming confidential letters being given to the wrong prisoner; and legal correspondence being placed in stored property rather than handed to the prisoner. The figure for the number of upheld complaints emerged as the Ombudsman released a list of all complaints made by prisoners from July 2021 to June 2022, and their outcomes, in response to a Freedom of Information request. The list did not state which prison each complaint came from.

The Ombudsman receives around 4,000 complaints a year from prisoners, of which around half are eligible for investigation. For the complaint to be eligible, the prisoner must already have gone through the full process inside the prison, which includes making an initial complaint in writing and then appealing the outcome if they are unhappy with it. Around one-third of complaints received by the ombudsman relate to lost or damaged property. Others cover a wide range of topics – from staff behaviour, to jobs and pay, to the quality of food. Summaries of last year's complaints, as recorded on the Ombudsman's list, include "Rule 39 mail being opened – upheld, mediated" and "the opening of his rule 39 mail and only being allowed copies – upheld with recommendations". One of the letters found to have been unlawfully opened by staff was from the Ombudsman herself.

Regular incoming mail for prisoners is normally read by staff, to ensure the contents do not breach security rules, and is often tested for drugs such as Spice. However, Rule 39 of the Prison Rules 1999 – enshrined in law, having been passed by Parliament as a Statutory Instrument – states that correspondence between a prisoner and his or her lawyer may only be opened, read or stopped if the governor "has reasonable cause to believe that it contains an illicit enclosure" or "reasonable cause to believe that its contents endanger prison security or the safety of others or are otherwise of a criminal nature". In such cases, the prisoner must be given the opportunity to be present when the letter is opened and must be told if it is being read or stopped. In response to the figures for upheld complaints, a Prison Service spokesperson said: "Staff are regularly reminded of the rules around legal letters and we have introduced a new barcoding system to ensure these types of correspondence are secure."



The barcoding system, outlined in an updated Prison Service Instruction published this month, means solicitors and courts will have the option of using a new service called Send Legal Mail by which they will attach a barcode to the envelope of confidential mail sent to prisoners, making it easier for staff to recognise. In recent court cases which led to the conviction of people involved of smuggling drugs into prisons, it has emerged that some have sent fake legal letters soaked in Spice-type drugs in an attempt to avoid detection.

The Ombudsman has not previously published figures for the number of Rule 39 complaints she has received or upheld. However, in her annual report for 2020/21, she did give an example of a case from an unnamed jail where a prisoner, known as Mr M, had been told to hand over outgoing Rule 39 legal letters in unsealed envelopes so staff could "flick through" the contents – which is against the law. The prisoner complained to the prison and eventually to the Ombudsman, yet after his complaint, the prison issued fresh instructions to staff, which still told them to check Rule 39 post before sealing it. The Ombudsman concluded: "We upheld Mr M's complaint on the basis that the prison was still acting in contravention of the relevant policy and recommended that they provide us with evidence that staff had now been given the correct guidance for handling Rule 39 post. We also noted that, when responding to Mr M's complaint, the prison had said they would write a letter of apology and that this had not been done. We recommended that they do so and provide evidence of this to the PPO."

**Midwives and Maternal Health Experts Demand End to Prison For Pregnant Women**

A coalition of campaigners and the UK's leading health experts have written to the Justice Secretary and Sentencing Council demanding changes to the sentencing of pregnant women and new mothers. The open letter, coordinated by campaign groups Level Up and No Births Behind Bars, is signed by the UK's leading voices in maternity and midwifery, including the Royal College of Midwives, the Royal College of Obstetricians and Gynaecologists and the British Association of Perinatal Medicine. The letter is published on the third anniversary of the death of a baby at HMP Bronzefield in 2019, one of two baby deaths in the women's prison estate in the past three year. The incident led to the Prison Ombudsman declaring all pregnancies in prison as "high risk", yet figures show that little has changed since.

Facts on pregnancy in UK prisons: Pregnant women in prison are five times more likely to suffer a stillbirth than women in the community. Pregnant women in prison are almost twice as likely to give birth prematurely as women in the general population, which puts both the mothers and their babies at risk. One in ten pregnant women in prison give birth in-cell or on the way to hospital. At least two babies have died in women's prisons in the past three years.

The letter calls for the Sentencing Council to produce specific guidance that informs judges of the vulnerabilities faced by pregnant women and new mothers, and the health risks of sending them to prison. Women form just 4% of the prison population in England and Wales and a small minority are pregnant at the point of sentencing. Three in five women enter prison for six months or less. According to a study published earlier this year, the most common offence among pregnant women in prison was shoplifting. The letter was accompanied by a children's protest out-

side HMP Bronzefield in Surrey on Saturday 24th September, organised by campaign groups Level Up and No Births Behind Bars. Bronzefield prison is the largest women's prison in Europe. This is the fourth public protest this year against the imprisonment of pregnant women.

Birte Harlev-Lam, the Royal College of Midwives' Executive Director Midwife, said: "Prison is no place for pregnant women. While there has been some progress in the training and guidance given to magistrates and judges, there are still too many custodial sentences being handed down to pregnant women. Many of these women are vulnerable, and prison poses a considerable risk to their health and well-being, and that of their babies. Access to good, or even adequate, maternity care is poor, and we have already seen the tragic consequences of that. The criminal justice system must change."

Kath Abrahams, Tommy's Chief Executive, said: "Tommy's believes everyone should have equitable access to good maternity care, no matter who they are or where they are based. The shocking statistics on pregnant women in prison and their babies show prison is not a safe place to be pregnant. Pregnant women in prison are 5 times more likely to have a stillbirth and twice as likely to give birth prematurely, leaving them and their babies at risk of long-term health complications. This is unacceptable. As we work to improve maternity services across the UK, we cannot ignore pregnant women in the prison population simply because they are often 'out of sight'."

Janey Starling, Level Up co-director said: "Pregnant women and new mothers may only be a tiny proportion of the prison population, but the risks are far too high for them to remain overlooked. The Sentencing Council has the power to prevent the senseless and needless harm that the prison system causes to pregnant women and new mothers – it's time for them to take action."

Mel Evans, No Births Behind Bars, who are organising the demonstration outside Bronzefield prison said: "Any mother knows how important it is for pregnant women, mothers and babies to be supported, cared for and be able to get to a hospital quickly if they need to. This can never happen if they are trapped inside a prison. Other countries have legislation to prevent pregnant women and new mothers from being sent to prison, and that's what we want to see in the UK. This is a matter of urgency."

**Prisoners Were Bullied Into Testing Spice, Inquest Hears**

*Inside Time:* A prisoner died from taking Spice at a jail where vulnerable men were regularly bullied into testing new batches of the drug. Kyle Batsford, 37, died from a brain injury caused by drug poisoning at HMP Lindholme in September 2019. An inquest jury concluded this month that "the actions of other prisoners in the cell, providing articles, more than minimally contributed to Kyle's subsequent death". The inquest heard that Spice was prevalent at Lindholme in the months before Kyle's death. One prisoner gave evidence that he was aware of dealers handing out free samples from new batches to test its potency. A staff member told the inquest that Batsford, from Northampton, was a known drug user who had debts with other prisoners on his wing.

Mark Bowen, a former custodial manager at the jail, told the hearing he was aware of an incident where two prisoners under the influence of Spice were naked on their hands and knees, with torn clothing or bed sheets tying them together like leads. Other prisoners were stood laughing while they behaved like dogs. Bowen added: "I think it was a problem everywhere. There were times when we had every ambulance in the area dealing with people that were under the influence." The jury concluded that Kyle's death had not been preventable, but that prison staff did not do enough to disrupt gangs in the jail. Assistant coroner Matthew Stanbury said he would be writing a prevention of future deaths report, adding: "My areas of concern include the prevalence of OCG [organised crime group] nominals in the prison, and difficulties with the layout of the prison and managing them."



**Joseph Tsang Referred to Court of Appeal**

The CCRC has referred the case of Mr Joseph Tsang to the Court of Appeal due to concerns about his sentence and the lawfulness of one of his convictions. Mr Tsang was sentenced to a total of 15 ½ years' imprisonment after being convicted of sexual offences and failing to surrender to custody. Prior to being sentenced, Mr Tsang spent several months on electronically monitored curfew ("tag") and was entitled, by law, to have 50% of that time deducted from his sentence. He also spent time in prison in Hong Kong before being extradited to the United Kingdom and was entitled to have this time deducted from his sentence as well. Unfortunately, the Crown Court did not take those periods of time into account when determining Mr Tsang's sentence.

CCRC Chairman Helen Pitcher OBE said: "Miscarriages of justice are not just limited to wrongful convictions. Sentencing can be a very technical exercise and mistakes are sometimes made. It is important, both to individuals and the Criminal Justice System as a whole, that errors are identified and put right. We have therefore referred Mr Tsang's sentence to the Court of Appeal as there is a real possibly that it will be reduced."

During its review of the case, the CCRC also discovered that the authorities in Hong Kong had not provided consent for Mr Tsang to be prosecuted for failing to surrender to custody. This makes that conviction unlawful. The CCRC has therefore referred that conviction to the Court of Appeal because there is a real possibility that it will be quashed. The CCRC has not referred Mr Tsang's convictions for sexual offences to the Court of Appeal.

**191 Deaths During or Following Police Contact: England And Wales 2020-21**

1 fatal police shooting - 19 deaths in or following police custody

54 apparent suicides following police custody - 25 road traffic fatalities -

92 other deaths following police contact that were independently investigated by the IOPC

Some of the investigations into the deaths recorded in this report are ongoing at the time of publication. Details about the nature and circumstances of these cases are based on information available at the point of analysis. When we are told about a fatality, we consider the circumstances of the case and decide whether to investigate independently, or to direct an investigation. Independent investigations are carried out by the IOPC's own investigators. In an independent investigation, IOPC investigators have all the powers of the police. Directed investigations are IOPC investigations that are carried out using police resources. The IOPC sets the terms of reference for the investigation and directs the course of enquiries. At the end of the investigation the police investigator submits a report to the IOPC in order for decisions to be made about the outcome of the investigation.

**Girls in Custody are Being Failed, says HMIP**

Inside Time: Inspectors found there were only 14 females aged under 18 in custody in England and Wales. All had led traumatic lives and had multiple and complex needs. Most were held in mixed-sex secure children's homes (SCHs) – but six who had been turned down by the managers of SCHs were accommodated at Wetherby young offender institution (YOI), which was previously all-male. The girls at Wetherby had the highest levels of need, yet there was less help for them. According to the report, "The key difference in the experience of girls placed in SCHs and Wetherby YOI was the amount of time they spent out of their room. While girls in SCHs routinely spent long periods of time out of their room engaging with staff and other children, those at Wetherby were limited to around five hours each

day. This difference was not driven by the girl's needs but by the culture and resources of the establishment." Keeping a child in a SCH for a year costs taxpayers £278,000 on average, compared with only £119,00 in a YOI.

The report, published last week and titled A thematic review of outcomes for girls in custody, says: "Leaders and managers were clear that if girls were to be placed at Wetherby YOI long-term, extensive work would need to be done to ensure staff could meet their needs. "There is a risk that the new units at Wetherby YOI becomes the default provision for girls who are not accepted by SCHs. Most of the girls in custody have already experienced some form of exclusion or rejection. It is important that placement at Wetherby or Oakhill [secure training centre] does not reinforce feelings of low self-esteem or of not being wanted, or that Wetherby YOI is seen as the last resort." Girls in custody were 12 times more likely to self-harm than boys, and were more likely to be physically restrained by staff – sometimes to stop them from self-harming. Previously, girls could be held in women's prisons in England, but in 2014 all five designated units in women's prisons were decommissioned, leaving SCHs or secure training centres as the preferred option for holding girls in custody.

**Operation Crackdown - Chief Constable of Sussex Police - Breached Section 10(1) of FOIA**

The complainant requested information relating to a specific address and reports received by Operation Crackdown. By the date of this notice Sussex Police had not issued a substantive response to this request. The Commissioner's decision is that Sussex Police has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires Sussex Police to take the following step to ensure compliance with the legislation. Sussex Police must provide a substantive response to the request in accordance with its obligations under FOIA. Sussex Police must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

**Scottish Prisoners Have Unmet Health Needs**

*Inside Time:* Scotland has 7,400 prisoners in 15 prisons. Its incarceration rate is higher than England and Wales, and is the highest in western Europe. A report by the Scottish Government into the health of the country's prisoners has found that there are high levels of "unmet need". The "synthesis report", published in September, pulls together findings from four separate research studies into prisoners' physical health, mental health, social care needs and substance use issues. It concludes: "The reports note a high level of comorbidity (having more than one mental health, physical, social care or substance use related need) in Scotland's prison population. There is agreement that the scale and range of support services available do not consistently meet these needs. For example, reports identify unmet need relating to age, mental health issues, substance use and hidden disability."

The report is the first national assessment of health and care needs of Scotland's prisoners since 2007. In 2011, responsibility for healthcare in Scottish prisons was transferred from the Scottish Prison Service (SPS) to the NHS. Recent improvements are highlighted in the report, including the expansion of multi-disciplinary mental health teams in prisons, a strong relationship between SPS and NHS, training for health care staff, and the opportunity for prisoners to have video-call consultations with hospital doctors.



However, the report adds: "Across the research it is clear that the health and care needs of Scotland's prison population are significant. Covid-19 has exacerbated long-standing issues of staff shortage and retention in Scotland's prisons. Poor data quality hinders an ability to monitor and respond to health inequalities in the prison population in Scotland. In addition, difficulties sharing information between organisations, a lack of national consistency in health and care provision, and facilities ill-suited for people with disabilities or with care needs, remain key challenges to meeting the health and care needs of Scotland's prison population."

Prisons were praised in the report for identifying health problems by screening newly-arrived prisoners. However, the report suggests that further screening in the days after reception, when prisoners are less stressed, could pick up on needs that were missed the first time around, such as autism spectrum disorder or substance use issues. The report calls for improvements including better facilities in prisons for clinical assessments and interventions; a review to ensure facilities are suitable for disabled prisoners and those needing end of life care; and more help with finding housing prior to release, "to avoid habitual patterns of substance use and promote mental health".

**'Colston Four' Trial Judge Should Not Have Left 'Proportionality' Question To Jury**

*Amber Pierce, Justicde Gap:* The Court of Appeal has ruled that the judge during the 'Colston Four' trial should not have left the question of 'proportionality' to the jury. The trial, which was referred to the Court of Appeal in April 2022, concentrated on whether the defendants were guilty of criminal damage by pulling down the statute of Edward Colston and depositing it in the river.

Whilst it was uncontested that damage had occurred, the defendants raised three defences. Firstly, that they used reasonable force to prevent a future crime, that is the 'indecent display' of Colston, who's fortune and influence had benefited from the slave trade. Secondly, one defendant argued that they 'honestly believed' that the owner of the statue would have consented to the statue being removed had they been aware of the circumstances. Finally, regardless of the other two defences, the defendants had a 'lawful excuse' because charging them for criminal damage would have been a 'disproportionate interference' with their rights following the European Convention for Human Rights (ECHR).

Given this final defence, the question that the judge in the original trial left to the jury was whether convicting the defendants would be a proportionate interference of their rights to freedom of thought, conscience, and expression (Articles 9, 10, and 11 ECHR). Importantly, juries do not give reasons for why they reached their verdict and so it is not possible to know what the jury considered when coming to their decision. However, following the acquittal of all the defendants by the jury, the then Attorney General Suella Braverman, referred the case to the Court of Appeal seeking for legal clarification on the point of proportionality.

The Court of Appeal clarified that their judgment did not mean that the defendants were guilty. However, it stressed that whilst there may be instances where proportionality may be relevant to a charge of criminal damage, where the damage was 'insignificant' to the wider protest, protestors who damage private property are almost never able to rely on their ECHR rights as a defence.

Though welcoming this caveat, Katy Watts – a lawyer for the human rights organisation Liberty, who intervened in the case – said the judgement 'takes away vital protections that empower everyone to be able to stand up for what they believe in. By placing weight on the value of an object in deciding if human rights can be taken into account, we feel that the court is shifting the balance too far away from our essential human rights.'

**Police 'Ignored' Scientific Evidence in Murder Case of Six-Year-Old Child**

Beatrice Yahia, Justice Gap: In November 1994, six-year-old Rikki Neave went missing after leaving for school one morning. His body was discovered the next day at a nearby woodland to his home in Peterborough. At the time, Rikki was known to social services after being placed on the 'at risk' child protection register. His mother, Ruth, quickly became the focus of the police investigation which culminated to her standing trial in 1996. Ruth was acquitted of the murder, but served a seven-year sentence for child cruelty offences.

A recent investigation by the BBC has unveiled that the police 'ignored' crucial scientific evidence during the original investigation. As a result of their omissions, it would be over 20 years until Rikki's killer would be brought to justice. The police instructed Professor Brown at Southampton University to act as forensic scientist in the original investigation. However, his findings were not used by the police, and neither were they heard as part of the court case against Ruth. Professor Brown said that he had never experienced his evidence being 'disregarded' on any other case previously. One significant finding by Professor Brown involved the analysis of the mud placement on Rikki's shoes. This indicated that he died in the woods, and not in his home as the prosecution alleged. Tests were also carried out on his clothes by forensic scientist Peter Lamb, who identified specific fibres without a "legitimate source". However, because no items of clothing were taken from any person of interest, it was not possible to match these fibres with any potential suspects. Rikki's murderer, James Watson, was seen with him on the morning of his disappearance. Police questioned him and released him without charge. He was finally brought to justice in April 2022. Following a trial in the Old Bailey, Watson was sentenced to life with a minimum 15-year term for the murder. Watson, now in his early 40s, was just aged 13 at the time of the killing. Chief Constable Paul Fullwood, who led the review, commented that 'the way things were investigated in 1994 were very different from today…they were focused on trying to prove Ruth was responsible for the murder.' Ruth states that whilst they have 'destroyed' her life, she is 'just relieved the truth is finally out.'

**Draft Victims Bill Won't Achieve Government's Aims, Says Justice Committee**

*Justice Commitee:* Through the draft Bill the Government seeks to improve the police, CPS and Prison and Probation Service's compliance with the Code of Practice for Victims of Crime (the Victims' Code). The Bill would place four 'overarching principles' of the Code into statute. The Committee finds that the principles are so "broad and permissive that it is unclear if they will serve any legal purpose" and would do little to improve agencies' compliance with the Code. The cross-party Committee points to flaws in the way "victims" are defined, a lack of enforcement powers, and the need for additional resources for the Bill's proposals to be effective, particularly around victim liaison and counselling. It also finds that the sharing of victims' immigration status by the police with the Home Office acts as a barrier to justice and calls for the practice to end.

Justice Committee Chair Sir Bob Neill MP said: "The draft Bill's aim to improve the criminal justice system's treatment of victims is laudable, but the Government must provide new funding to make it all possible. If not, the police, CPS and Probation Service will be forced to divert funds away from their core functions. The definition of a victim must be explained in more detail, particularly where it includes witnesses without any mention of how badly said witness has been affected. It can't be the Government's intention that a witness to petty theft should have more rights under this legislation than a murder victim's next of kin. The draft Bill comes amid a backdrop of significant and growing court backlogs with victims of crime too often waiting years for their cases to come to court, and criminal legal aid barristers turning away from the profession. The Government is taking steps in tackling those deep-rooted problems but until they are resolved victims will continue to suffer harm for too long."



**HMP Swaleside – Regime Buckling Under Acute Staffing Shortages**

Prison Reform Trust: "This report describes a fundamental strategic failure to provide the number of staff a prison needs to be safe. That failure has made it impossible for management and staff locally to do almost every aspect of their job. No doubt we will be told that there are plans to improve staff recruitment and retention. But that does not change the reality for prisoners and staff now. The only way to make the prison safe is for it to hold a fraction of its current population. This is the inevitable result of the government's love affair with imprisonment — it is time it faced up to the consequences of that pointless obsession."

Inspectors returning to HMP Swaleside, a high security prison on the Isle of Sheppey, found that the prison had made little progress on the recommendations from October 2021. At the disappointing 2021 inspection, safety and purposeful activity were judged not sufficiently good, and rehabilitation and release planning was 'poor', the lowest grade. Commenting on the findings, Charlie Taylor, Chief Inspector of Prisons, said: "The overall message from this independent review of progress was that no meaningful progress had been made in addressing staff shortfalls, which meant staffing was now at crisis point and was having an impact of on all aspects of the regime."

Although analysis of safety data had improved, they were yet to have a significant impact on the level of violence, which remained high, and both staff and prisoners reported feeling unsafe in the prison. Self-harm had reduced significantly, but the standard of care documentation for those at risk of suicide and self-harm remained poor. There had been four self-inflicted deaths in the eight months since our last inspection with a fifth two months after this review.

Staff shortages meant that time out of cell was severely limited, made worse by regular delays in the regime. Ofsted, following up on four themes from the 2021 inspection, found that insufficient progress had been made in all of them. There were long waiting lists for activities and prisoners' goals or career plans were not considered in allocating them to activities. Education and workshops were often closed due to the staffing crisis, and in the past three months, inspectors found that education classes had been cancelled more often than they had taken place. Inspectors spoke to officers who were exhausted, under pressure, and on the brink of resignation. The crisis could be felt on the wings, and Mr Taylor pressed the Ministry of Justice to "take immediate action": "The scale of the task is huge, but I strongly urge leaders at all levels to find solutions. Without continued vigour, outcomes for the prison and the public may deteriorate even further. We understand that just last week the prison had to call for specialist help to contain serious concerted indiscipline. This situation cannot be allowed to continue."

**USA: From Harm to Healing - Introducing Healing Justice**

Healing Justice is a unique national nonprofit organization that utilizes restorative justice and justice reform to provide healing to individuals and families harmed by wrongful convictions and to prevent future harm. They seek to heal the lives of crime victims and survivors, the exonerated, both sets of families, and many others. They also seek to transform the criminal justice system that serves them. To achieve its goals, Healing Justice offers:

Healing Justice, incorporate the interrelated and imperative concepts of healing and justice to address the widespread harm caused by systemic failures that result in wrongful convictions. In our healing work, we create safe spaces and individualized support that enable us to tackle the complex grief and trauma caused by injustice, including issues of gender violence, racial inequity, and social marginalization. In our justice work, we focus on improving the justice system to prevent future harm and on restoring the voices of those harmed by helping them become change-makers for reform through training, advocacy, technical assistance and product development.

Through this unique combination of program services, we transform the lives and communities of those harmed and leverage their experiences to transform the justice system. Our model of transformative justice can be applied to all contexts and cases of injustice where healing is needed in order for justice to be achieved. “Healing Justice’s programs have helped so many people find their way out of the darkness of injustice. Through their unique and powerful approach, they are able to give people hope where there once was none.

Healing Justice’s work is led by real people with lived experiences, all of whom contribute their own unique perspectives to our goals and programs. Through all of our work we strive to restore the voices of those harmed and provide them with peer support and individual healing. We also strive to build relationships across all stakeholders to create collective healing and prevent future harm.

**Suslov and Batikyan v. Ukraine -Violations of Articles 3 & 6**

The applicants are Merabi Otarovich Suslov, a Russian and Armenian national, and David Batikovich Batikyan, an Armenian national. They were born in 1963 and 1965 respectively. The case concerns the applicants’ trial for aggravated murder, for which they received life sentences. Mr Suslov was convicted for ordering and acquiring the means to carry out a contract killing, and Mr Batikyan for carrying out the assassination in Kyiv. Relying on Article 6 (right to a fair trial) of the Convention, both applicants complain that their trial was held in camera and that those proceedings were unfair. Mr Suslov additionally complains under Article 6 that he was excluded from the courtroom for a substantial part of the trial. Mr Batikyan also alleges, in particular, suffering ill-treatment and psychological duress in police custody, and complains of his detention conditions, in breach of Article 3 (prohibition of inhuman and degrading treatment). Violation of Article 3 in respect of the second applicant on account of the inadequate conditions of his detention in the Kyiv SIZO Violation of Article 6 § 1 in respect of both applicants on account of their trial being held in camera Violation of Article 6 §§ 1 and 3 (b) and (c) in respect of both applicants on account of inadequate facilities for the defence preparation. Violation of Article 6 §§ 1 and 3 (d) in respect of the first applicant on account of his inability to examine prosecution witnesses

**Police/CCRC . The Failings.**

The miscarriage of justice world is a strange place to be. It's full of good kind hearted people and a sprinkle of just the opposite So many ideas, so many things that need to change and be updated but where do you start? Who do you believe? Someone who tells a good story? Someone who has told it for the longest time? Someone who has been through it themselves?

There is no guarantee that the sweetest voice is telling the truth. Maybe some people hear what they want to in order to move on themselves. Others tell stories to keep their name out there, to look like they have power and knowledge that just isn't possible. There are many reasons for various angles on any case. People won't know the full truth just because they have heard it or read about it.

What needs to change is the powers that be (Police/CCRC) need a new and thoroughly transparent method to investigate. Firstly every stone should be looked under and around. If there is any possible chance of DNA telling any kind of story, then it should be tested without fail. Alibis should be fully checked, time method and possibility. Every step should be retraced. Witnesses should be spoken to again, especially where there is just a tiny element of doubt If there have been changes in statements, those should be investigated. How why and when they were changed? Vital. Always appeal for any new witnesses to come forward, especially after a large passage of time. The above should be standard. However the Police don't reopen without new evidence, there rational for this!

- 'We aren't looking for anyone else in connection with the case'



**Suella Braverman - ‘Trial by Media Will Only Undermine Our Justice System**

*Lauren-Terrell, Justice Gap:* Speaking with a Young Conservatives audience at the party conference in Birmingham, Home Secretary Suella Braverman considered granting anonymity to suspects before they are charged. This was a response to concerns about high-profile individuals facing allegations of sexual offences, which may turn out to be unfounded. Braverman criticised the ‘media circus’ surrounding these allegations, commenting that ‘trial by media will only undermine our justice system.’

This issue echoes the high-profile case of singer Cliff Richard who was investigated decades later for allegedly assaulting a 15-year-old boy in 1985. He was not charged and settled the matter against South Yorkshire police for £400,000 in a civil suit. It further mirrors the claims against former conservative MP Harvey Proctor concerning an alleged paedophile ring in Westminster, which was shown to be non-existent. This scandal culminated in the inquiry into Operation Midland, the original investigation into the alleged ring involving politicians and military officers. The inquiry concluded that the allegations, made by Carl Beech, were false.

Speaking at a FACT (Falsely Accused Carers and Teachers) conference in Birmingham last spring, Proctor reflected on his deeply traumatizing experience with the media as a result of the publicised allegations. He also lost his job and his home as a result. When explicitly asked about the two cases, Braverman commented that the ‘coverage of people prior to charge can be very, very damaging.’ ‘We have had some high-profile instances where the media circus around a suspect who has not been charges has been devastating’, Braverman added.

**Ankle Tags Used to Target Young Black Men - London Mayor’s Report Finds**

Nicola Kelly, Guardian: Electronic ankle tags are being used to racially target and sentence young black men for knife crime offences in a way that “may reflect unconscious bias” among Metropolitan police officers, according to internal documents from the mayor of London’s office. In an equality analysis assessment obtained through a freedom of information request, the mayor’s office for policing and crime (Mopac), which has oversight for the Met, acknowledged that the use of GPS-enabled monitoring tags “may reflect unconscious bias within probation risk assessments … that are more likely to link BAME young men to risk and serious criminality”. They added: “We have found that BAME individuals were overrepresented when compared to the proportions of BAME offenders sentenced to custody for knife crime offences.” An ethnicity breakdown shows that almost a quarter (22%) of knife crime offenders tagged on release from London prisons last year were black British Caribbean, and 16% were black African. More than half (57%) were aged 18-24 and nearly all (98%) were male.

**Rise of Plea-Bargaining Coerces Young Defendants Into Guilty Pleas**

Young prisoners in England and Wales are being rushed into guilty pleas under US-style bargaining arrangements, with some defendants said to be given just 30 minutes to decide, it is claimed. Survey results and focus group discussions with those serving sentences has raised concerns about a lack of informed choice in a criminal justice system that incentivises an early guilty plea. The model of plea bargaining, made famous courtesy of US courtroom dramas, where defendants effectively negotiate with prosecutors over charges and potential sentences is increasingly being followed around the world. Such bargaining is not officially part of the system in England and Wales, except in complex fraud cases, but the judicial sentencing guidelines suggests those who plead guilty at the earliest hearing over other crimes may be given a reduction of up to a third of their sentence. There is a sliding scale of sentence reductions as criminal proceedings continue, and informal bargaining is widespread.