

MOJUK: Newsletter 'Inside Out' No 921 (19/10/2022) - Cost £1

The Myth That Tough Sanctions Deter Crime – is a Myth

Transform Justice: I recently had a long conversation with two experienced police officers about crime and punishment. They were convinced that sentencing in England and Wales was not too harsh and that victims wanted long sentences. The policemen's beliefs reflect those of many people – that harsh punishment is a deterrent, and this reduces crime. Deterrence is a key principle in the sentencing regime of England and Wales. Judges justify sentences on the basis that they will deter both the defendant and the population in general from committing similar crimes in the future. A sentence that deters is an effective sentence.

The Sentencing Council of England and Wales is tasked with developing sentencing guidelines for judges to follow (they can deviate but have to justify why). Since the Council was set up it has been criticised by us and others for not meeting one of its statutory duties – to have regard to the cost of different sentences and their relative effectiveness. In response the Council commissioned an academic review of the effectiveness of sentencing. This was a brave act since the report sets a bomb underneath most current sentencing practice.

The academics have done no original research, but they have reviewed relevant, reliable studies which throw a light on the effectiveness of current sentences. They find literally no evidence to say deterrence works. Judges don't usually distinguish individual and general deterrence when justifying sentences. But the authors do distinguish.

"A general deterrent effect would occur where a disposal makes other potential offenders less likely to offend...Despite pervasive "common sense intuitions", the evidence for a general deterrent effect related to sentence severity is weak...We will not go as far as saying there is no possibility of a general deterrent effect linked to sentence severity...However, we will say that, based on our literature review, there is no strong evidence to support more severe sentences on the basis of their general deterrent effects. Moreover, we note that some have argued it is time to accept that sentence severity has no effect on the level of crime in society".

The authors explain why general deterrence doesn't work. First, a severe sentence can only have a deterrent effect if offenders know about and understand it. But most people, and particularly those likely to commit crime, have a very vague idea of how crimes are sentenced. And the small likelihood of being caught undermines any deterrent effect of sentencing. Lastly, deterrence-based policies assume that people who commit crime make at least broadly rational decisions, "giving some thought to benefits and costs". But evidence points in the opposite direction, most crime being spontaneous, often driven by temper, mental health issues, drink or drugs. Those who commit crime don't think rationally about the exact sentence they would get were they convicted – they are caught up in the moment. Our own research on assaults on NHS workers and police suggests the same. The penalty for this offence has quadrupled in the last four years, but the number of recorded offences has gone up.

Individual deterrence doesn't work for many of the same reasons. Someone who is shoplifting to fuel their drug habit is hardly likely to stop mid shop to recall the sentence they received last time they were caught. The physical craving for a fix is a much stronger impulse. The trajectories of those who commit crime also provide hard evidence that punitive sentences

do not prevent reoffending. Rebecca Lievesley and colleagues interviewed prisoners who had served many short sentences. The prisoners said prison contributed to their identities as criminal offenders. Also "serving multiple prison terms meant these times tended to blend together (i.e., the individuals had difficulty counting their number of incarcerations or length of any of them) and the individuals were often plagued by the lack of services or resources to assist in overcoming the criminogenic conditions they faced when released into their troubled community environments". The report cites other studies which found that giving those who keep committing crime ever long sentences does nothing to stop them.

The only criminal sentence which looks as if it might have a deterrent effect is the suspended prison sentence. This is a prison sentence which is only activated if the defendant is reconvicted of another crime or breaches the conditions of their suspended sentence. The judge can impose conditions with the suspended sentence like tagging, being supervised by probation, doing unpaid work etc. The reoffending rate of those subject to suspended sentences with conditions is better than either the community order or a short prison sentence. Is it the "sword of Damocles" effect that leads to less crime? The authors think so. It fits with evidence that it is the swiftness and certainty of sanctions, not the severity, which makes the difference. "A suspended sentence transforms the prospect of an immediate custodial sentence from an easily discounted future possibility to a very present reality". We need more research on suspended sentences. It's not clear what role the threat of prison plays or why suspended sentences with conditions are so much more successful than those without.

The report suggests most prison sentences regardless of length are not effective in reducing offending, whether via deterrence or rehabilitation. It points out that the caution (used by police out of court) is the cheapest and most successful disposal in terms of reducing repeat crime.

What can the Sentencing Council do with this dynamite report? If its findings informed sentencing, we would have a completely different regime and halve the number of people in prison. But the Sentencing Council has no control over primary legislation. They can only develop guidelines for the legislation parliament has passed. They could though preface each guideline with a short explanation of what makes sentencing effective; and lobby the government to pass more effective criminal laws. Let's hope.

We all want to reduce crime and for criminal sentencing to play a part in achieving that. This report reflects the best evidence as to what might or might not work. And it's not more prison. Prison is a dead end. If you would like to know more about cautions and why resolving crime without going to court works do sign up to our free conference in London on January 19th.

Suella Braverman Will She be More Effective More Dangerous Than her Predecessor

Nicholas Reed Langen: Martin Luther King had a dream where little white boys and white girls would stand hand in hand with little black boys and black girls. Suella Braverman, the new Home Secretary, has a different vision. She told the Conservative Party Conference (CPC) in her speech this week that her dream is to seemingly see some other little boys and girls, all grown up, manhandled onto planes and deported to Rwanda.

As I have written previously, Braverman is likely to be a more effective and more dangerous Home Secretary than her predecessor, Priti Patel. What seemed less likely was for her to be a more morally repugnant one. It is one thing to say that you want to ensure that the UK has an effective, if morally and legally questionable, arrangement with Rwanda. It is quite another to say that you literally dream of flights to the despotic regime taking off.

Of course, it may be that this is just the consequence of being at CPC in 2022. Anyone willing to pay good money to associate themselves with the unhinged rump that remains of the Conservative Party will be a fully signed up member of what is now a cult, not a political organisation. Suspending your critical faculties in favour of tribal loyalty is the price of entry. And among this cohort, it is easy for ministers and MPs to find that policies and comments which would ordinarily be beyond the pale suddenly appear eminently reasonable. It's not inconceivable that a minister floated the idea to their special adviser that they should advocate the return of hanging and flogging, only to have their spad frantically shoot it down.

Given Braverman's track record though, and her various comments to media outlets before the conference even began, her dreams of deportation are probably only the tip of the iceberg. Braverman also suggested that the MPs who had undermined Truss' economic reforms had perpetuated a 'coup', that the UK should consider leaving the European Convention on Human Rights again, and that immigration – lawful or otherwise – is still the UK's achilles heel.

Assuming that Liz Truss remains in office until the next general election, the most probable, if not only, route to a Tory victory is going to involve doubling down on social policies like these. Even if the economic reforms that Truss and Kwarteng have put their faith in does somehow bear fruit, the prospect of it being harvested in time for the electorate to even consider putting the Tories in power for yet another five years seems improbable. Instead, stoking fear of immigrants and refugees – aided and abetted by sympathetic journalists for the likes of The Sun – will be key to the Conservatives clinging to power in Downing Street.

It is establishing this culture of fear that ministers are focussing on. In Braverman's speech and in her briefings to the media, much was made of marauding migrants crossing the Channel, of Albanian trafficking victims, and of lefty lawyers defending asylum seekers' rights in courts. Braverman peppered her speech with references to the 'law-abiding majority' and pitted this majority against people 'abusing our asylum system', like the convicted sex-offenders claiming to be victims of modern slavery.

Rather less has been made of how Braverman actually intends to tackle these problems. The Times' headlines about how asylum seekers crossing the Channel will have their claims automatically refused did not even make it into her speech, while her other solution – leaving the ECHR – has already been repudiated by the government. Instead, in her speech at CPC, Braverman preferred to focus on the scale of the challenge before her, admitting that there are 'no quick fixes'. There are also no new fixes, judging by her four proposed solutions. She believes that the problem can be solved by working more closely with the French, 'finding a way' to make Rwanda work, getting asylum-seekers out of hotels, and by not allowing a 'foreign court to undermine the sovereignty of our borders.'

Of these mooted fixes, it is the French and the European Court at Strasbourg that are paramount. Not because there is any actual prospect of them helping resolve the question of Channel crossings and illegal migration, but because they create a fall guy. Having created their bogeymen, whether it is the Albanian people-traffickers or the convicted criminals claiming to be victims of modern slavery', the Tories need to explain why it's not the Conservative government's fault that they are able to do so.

Obviously, having been in power for the best part of twelve years, having removed the oversight of the EU and its Court of Justice, and up until recently having had little effective opposition from the Labour Party, anyone with an iota of awareness would know that it is because the Conservative government has been consistently incompetent. A competent, moral gov-

ernment would have introduced safe routes for asylum, would have given asylum-seekers the right to work, and would have introduced an effective and efficient decision-making process. Instead, government ministers like Braverman have to desperately spin the falsehood that the fault lies with the French for refusing to keep people within their borders and with the Strasbourg justices for refusing to let the UK government violate human rights. It is easy to think that the people won't fall for this again. After the failure of Brexit to deliver anything close to what it promised, and after the corruption of Boris Johnson's government, any right-thinking person would reject the Tories' lies and half-truths out of hand. But if the fact that some MPs are considering restoring Boris Johnson to office tells us anything, it is that right-thinking people can think some very stupid things.

Hopefully the Conservative government has run out of road. Watching Liz Truss flail in every media interview, unable to rationalise either her social or economic policies must show a Conservative Party that is in its death throes. But if it is to find a way back, clawing its way back up the polls, it will do so because of people's fears, not because of the state of their pocketbooks.

A History of Innocence Projects in the UK: A Story of Continuous Struggle

Abdallah Barakat, Justice Gap: A few weeks ago, Cardiff University lecturer Dr Holly Greenwood gave a keynote speech on innocence projects in the Nexus Conference on Wrongful Convictions. As one of the longest established UK innocence projects, it prompted us to reflect on the past and what the future might hold. UK innocence projects typically involve university students and academics investigating wrongful convictions. They are part of the wider so-called innocence movement in the UK. The first project opened its doors in 2004 in conjunction with the establishment of the Innocence Network UK. Established by Dr Michael Naughton at Bristol, the network assisted in the opening of 36 innocence projects and distributed over 100 cases among them for investigation.

In 2014, the network was folded by Dr Naughton due to resource constraints, amongst other reasons. The collapse of the network was no surprise; innocence projects were already leaving after tensions in the way it was being run. Nonetheless, the collapse of this central entity was a real negative moment: 'a symbolic loss of what could have been: a shared movement working towards the same goals', said Dr Greenwood. The collapse hit some innocence projects to the point of closing down as they could no longer operate without the network's assistance. Many factors further contributed to projects closing their doors. Many did not find running a project within a university to be feasible: academics had to use their spare time to run the extra-curricular project, and the length of casework did not fit neatly within academic year timelines. Most of the projects have been discontinued, leaving around 12 surviving.

The surviving projects still face numerous challenges. Since the inception of the first project, only two cases worked on by an innocence project led to overturned convictions. Both cases were investigated by the Cardiff Law School Innocence Project. The projects continue to display low levels of success measured by overturning convictions. A critical obstacle facing projects is the Criminal Cases Review Commission's (CCRC) test for referring cases to the court of appeal. The miscarriages of justice watchdog is confined by the restrictive rules of the court, and may only refer a case if there is a 'real possibility' that the conviction will be quashed by the court. This is a restrictive test that limits what the CCRC can do, forcing it to think as the court does. The CCRC's referral rate averages at three per cent, dropping to under one per cent in 2016/2017 (for more information on recent developments relating to the test, you can view a story here: <https://rb.gy/frn7o3>).

A further challenge is innocence projects being a 'last resort' to their clients who would

have exhausted their options before having their cases considered. Many have already gone to the court of appeal without success. This leaves projects with the difficult task of finding fresh evidence or constructing new legal arguments. Projects are also restricted in their use of evidence, as clients have no general right to post-conviction disclosure of evidence. This makes it increasingly difficult for projects to obtain the necessary evidence to investigate or analyse a conviction. A new challenge faced in recent years is the influx of a new type of cases: historic sexual abuse. These cases present their own challenges and difficulties that projects were not previously accustomed to. Some have criticised innocence projects, questioning how useful they truly are. However, innocence projects provide valuable services to their clients. They provide assistance, lend a listening ear to their concerns and troubles, create the potential for research and contribution to reform, and provide immense educational value and career opportunities to students. 'In a time of criminal justice crisis, perhaps they are more necessary than ever', Dr Greenwood said.

Women's Centres Do Keep Women Out of Prison

A new report on the Value of Women's Centres by 'Women in Prison' shows Women's Centres generate a nearly triple return on public investment by keeping women out of prison and easing demand for other services. However, nearly half of Women's Centres surveyed are concerned about their survival. New funds announced last month for women's services in the criminal justice system will not meet the need because they fall short of the system-wide investment needed, new research from Women in Prison suggests. The £24m committed during the final week of Boris Johnson's premiership to support women in contact with the criminal justice system is welcome, but pales compared to the £200m set aside for creating 500 new spaces in women's prisons, warns the charity.

The Centres can deliver – safe spaces which provide support on housing, domestic abuse, mental and physical health, and other issues – deliver a nearly threefold return on taxpayer investment by keeping women out of prison and easing demand for other services. "We should be investing much more in supporting women to stay out of prison than locking more of them up," said Sonya Ruparel, Chief Executive at Women In Prison. "Our research shows that Women's Centres not only bring huge benefits to those struggling the most but also save taxpayer money."

The research shows that a typical Women's Centre receiving £1m in a given year can support over 650 women and generate £2.75m in public sector savings while providing a lifeline for vital services and significantly improving the well-being of women and their children. The savings would go to local authorities (47%), the Ministry of Justice (17%), the NHS (15%), the Police (10%), the Department for Work and Pensions (9%) and HM Revenue and Customs (2%). Nearly half of Women's Centres surveyed said they are concerned about their survival.

Joy Doal, Chief Executive of Anawim Women's Centre, said: "We are struggling. The needs of the women we work with are becoming more complex. We are witnessing the fallout from Covid-19 – which is driving mental health problems – and an alarming number of women driven into poverty due to rising bills. On top of that, our costs are skyrocketing due to inflation and the rise in living costs. Now more than ever, we need sustainable, long-term funding to ensure we can continue meeting the ever-growing needs of the women we work with."

Ruparel added: "While the £24m announced last month is a welcome step in the right direction, it does not go nearly far enough. Chancellor Kwasi Kwarteng should use the opportunity of the new government to look again and redirect funding across government to these vital support services – it would be much better for women and society as a whole."

El Salvador's Prison Fever - 53,000 Thrown in Jail in Six Months

International Crisis Group: A sudden uptick of violence in March, caused by the breakdown of talks between the government and criminal gangs, has sparked a ruthless six-month law enforcement campaign in El Salvador, anchored in unprecedented mass arrests and restriction of legal rights. Fed up with gang violence, most Salvadorans have applauded the crackdown. But it has also drawn criticism from human rights organisations and could boomerang. Having more than doubled the prison population, the country is headed for a humanitarian crisis in its jails, while gangs, though now in disarray, could strike back.

To a chorus of popular support, El Salvador's President Nayib Bukele has embarked on the largest dragnet of suspected gang members ever seen in Central America. Under a "state of exception" declared in March, the government has lengthened the period of detention without charge and lowered the age of prosecution to twelve. Police and troops have mounted checkpoints around and raids on poor districts overrun by gangs. Some 53,000 alleged criminals have been jailed on the basis of often dubious proof, many in overcrowded, unhygienic and dangerous conditions. The prison population now stands proportionally as the world's highest, prompting authorities to break ground for a massive new facility. But although murder rates are touching new lows, with many gang members either jailed or on the run, the draconian policy raises other concerns that require attention. Gangs could regroup to retaliate while a humanitarian and human rights crisis festers in the country's jails. For the country's long-term benefit, authorities should develop a way for gang members to return to society as law-abiding citizens.

A shocking killing spree late in March, including the murder of 62 people on one day – the bloodiest 24 hours in recent Salvadoran history – provided the backdrop for Bukele's abrupt change of tack. Yet even before this flare-up, there were reasons to doubt the government's commitment to a negotiated demobilisation of gangs. The president has always denied that talks with gangs were happening, suggesting that negotiation was unlikely to be a pathway to a permanent settlement. As soon as his party won an absolute majority of seats in the legislature in 2021 elections, he worked with deputies to bury any evidence of talks by replacing the attorney general and shelving his predecessor's investigation into the reported negotiations. The MS-13 gang has suggested it carried out the March killings because it felt betrayed by the government's disavowal of the previous engagement, hinting that the president's interest even in secretive talks had waned by then.

Bukele's government has turned to heavy-handed tactics to respond to surges of gang violence in the past, but none compares to the present crackdown in either intensity or duration. With public support for the state of exception sky-high, Bukele seems convinced he is sounding the death knell for the country's three main gangs. He fiercely rejects criticism of his methods. El Salvador needs a more humane and sustainable approach to solving its gang problem. A crucial plank of such a policy would be the creation of a clear pathway out of gang life for jailed and free members. Even as they seek to profit politically from fighting crime, Bukele and his senior officials should be mindful of the innate dangers of a huge prison population, which must be fed and housed, and begin looking for ways to release jailed suspects and convicts subject to their monitored participation in rehabilitation programs. Various bills to create a national rehabilitation scheme have been tabled in the country's Legislative Assembly over recent years, but none has prospered; these should be revived. A rehabilitation and reintegration initiative should include measures that promote employment for former gang members, with support from churches and civil society. To help communities accept the gang members who may come to live among them, San Salvador should also promote restorative justice for victims of violence. Support from large donors, including the U.S. and European Union, will likely be key to making this initiative a reality.

PSNI 'Breach' Over Investigation Into UVF Attack

BBC News: The police are in breach of a legal duty to carry out an effective inquiry into a fatal gun attack by loyalists on a County Down pub in 1992, the High Court in Belfast has ruled. A judge said that new material in a watchdog report and a documentary film represented plausible evidence of significant state collusion. The attack was at the Thierafurth Inn in Kilcoo. One man was murdered and three others were seriously wounded. Peter McCormack, 42, was killed after an Ulster Volunteer Force (UVF) gang carried out the shootings during a darts tournament at the pub in November 1992. The judge said on Friday 7th October 2022 that the "state has failed to carry out an effective Article Two or Three (of the European Convention on Human Rights) compliant investigation into the attack within a reasonable time".

The verdict came in a legal challenge by a barman who avoided injury in the shooting. John McEvoy, who developed post-traumatic stress disorder, brought judicial review proceedings against the Police Service of Northern Ireland (PSNI) chief constable for an alleged failure to ensure an independent, effective investigation. His challenge was based on information he said pointed to collusion between members of the security forces and the UVF operating in south Down at that time. It followed the publication in 2016 of a Police Ombudsman report into the Loughinisland killings. In that attack, UVF gunmen murdered six Catholic men who had been watching the Republic of Ireland in a World Cup football match on television at a village pub in June 1994. A film on the Loughinisland killings, *No Stone Unturned*, which named suspects, strengthened the case for an independent investigation, it was argued.

Rise of Plea-Bargaining Coerces Young Defendants Into Guilty Pleas

Daniel Boffey, *Guardian*: 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. A report by the NGO Fair Trials offers anecdotal evidence that defendants are being offered little and rushed advice on their pleas, with scant judicial oversight over the decision-making, raising claims that some are being pushed to admit guilt to crimes they did not commit.

Unpublished data from the Criminal Cases Review Commission in England & Wales shows that of the 128 cases referred to the court of appeal as potential miscarriages of justice since 2012, approximately 50 cases involved defendants who initially pleaded guilty. Before a court hearing, lawyers must follow guidelines on the level of information they give to their clients before making a guilty plea but there is no legal process to ensure that defendants understand their rights. Unlike in the US, there is also no requirement on judges to thoroughly question a defendant to check that they have grasped the implications of pleading guilty before the plea is accepted.

One contributor to the report, named only as Faisal, said: "Even when you go to court, you don't really get ... what like 20-30 minutes with your solicitor before they call you up. "They're even rushing [you] sometimes. I can remember clear yeah, my solicitor has been rushing me

sometimes like 'We're going to be putting up so gonna go guilty' ... 'They're probably going to give you this amount of time' ... 'You'll be out in duh duh duh' ... I feel like a lot of it is kind of pressured." A second, named as Amina, who had originally pleaded not guilty to charges against her but who became worried about the impact of the proceedings on her father's health, said: "I wasn't guilty so I should not have pleaded guilty but I had no support system or anyone to tell me they would fight for me for my innocence." The report, *Young Minds, Big Decisions*, based on a survey of 27 prisoners and group discussions with 12 people over the last year who had experience of the criminal justice system as young adults, notes that adults aged between 18 and 24 make up about a third of criminal cases in England and Wales.

Young Defendants Lack Trust in Lawyers

Monidipa Fouzder, *Lawgazette*: Fair Trials, which campaigns for fair and equal criminal justice systems across the globe, said the young people they spoke to for their latest report highlighted a lack of care, and perceived incompetence and impartiality, which resulted in poorly informed choices with far-reaching consequences. Young defendants often felt poorly advised and rushed into pleading guilty, according to a worrying report that reveals a lack of trust and confidence in their lawyers. Spoke of rushed conversations with lawyers to discuss pleas and not wanting to be a burden. There was also a 'strong assumption' that duty solicitors and legal aid lawyers lacked financial incentives to secure the best possible result. One young person said: 'I don't expect them to be honest. Because like, they get paid regardless, they get paid if I lose, win or lose. There's like, slight. There's nothing really in it for them like that... If they're getting paid the bare minimum, you're going to do the bare minimum... With legal aid it is the bare minimum... they're going to give you the bare minimum.'

The report is based on survey responses from 27 young adults in prisons across England and Wales, and group discussions with 12 people who have experienced the criminal justice system as young adults. Fair Trials acknowledges that participants who volunteered for the study might have had strong feelings about their experiences. 'While this might this have influenced the portrayal of the legal professions in this research, we have no reasons to suspect that the opinions expressed by people who took part in this research were in any way exceptional or unusual,' the report says. 'Many people who spoke to us understood that defence lawyers could not always provide the level of assistance they wanted to provide for reasons outside their control. There was awareness, for example, that the justice system was operating at far beyond its intended capacity, which resulted in heavy caseloads, and that the current legal aid system simply did not allow defence lawyers to put in the necessary time and effort into their clients' cases.'

Fair Trials highlighted the need for a more detailed understanding of the root causes behind young people's perceptions and 'ample room for improvement' on the quality of legal assistance provided to young adults. A Law Society spokesperson said: 'This report is based on a small, self-selected sample and blurs criticism of barristers and solicitors, which makes it difficult to be sure how widespread the concerning issues it raises actually are. 'If a solicitor does not spend as much time with a client as the client would have liked this would not in itself be evidence of a solicitor failing to meet their professional obligations. 'Nonetheless, the report is a reminder of the potential loss of trust in the criminal justice system that may arise if defence lawyers are not paid sufficiently to spend time building their client's confidence in them and in the system. 'Solicitors are the backbone of our criminal justice system but will continue to leave the profession in their droves unless they are fairly remunerated for the crucial work they do.'

Prison Advice and Care Trust (PACT)

PACT is a pioneering national charity that supports prisoners, people with convictions, and their children and families. We provide caring and life-changing services at every stage of the criminal justice process: in court, in prison, on release, and in the community. Every year we support thousands of prisoners and their families to make a fresh start. PACT's vision is of a society in which justice is understood as a process of restoration and healing, in which prisons are used sparingly and as places of learning and rehabilitation, and in which the innate dignity and worth of every human being is valued. We work for the common good of Society, taking a public health-based approach. We work at the intersection of criminal justice, child and family welfare, mental health, wellbeing provision and health & social care.

Our volunteers and staff can be found in courts, prisons, probation services, and in communities across England & Wales. We are a diverse, inclusive, modern, and collaborative charity. We build effective partnerships and sustainable solutions based on our well-established understanding of the systems in which we work, and on our historic values and ethos developed through our 120+ years of service delivery. Following a successful competitive tendering process, the Ministry of Justice has awarded PACT the contracts to provide family services in 62 prisons across England and Wales, including new contracts in the West Midlands, Kent, Sussex and the South West of England.

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Wandsworth Prison: Postal Services

Fleur Anderson To ask the Secretary of State for Justice, with reference to HMP Wandsworth restricting prisoner's postal services to Moonpig and Funky Pigeon, what assessment his Department has made of the impact of restrictions on postal services on prisoner's families finances during the cost of living crisis.

Rob Butler, Under-Secretary of State for Prisons: HMP Wandsworth does not currently restrict postal services to Moonpig and Funky Pigeon. Any decisions to apply restrictions to communications are made locally by assessing the level of risk against what is a proportionate and necessary response to that risk. HMP Wandsworth has seen an increased ingress of illegal substances through the postal system – this unfortunately is a developing area of conveyance in several of our prison establishments, notably Synthetic Cannabinoid Receptor Antagonists (SCRA) commonly known as 'Spice'. HMP Wandsworth ensures all mail that does not test as positive for Spice is issued to prisoners. To address this, prisons that identify SCRA as an issue have implemented several countermeasures which in some cases include the use of photocopying domestic mail and greetings cards in line with the national policy. An assessment has not been made of the impact of restrictions on postal services on prisoner's families. An assessment has not been made, nor does HMPPS endorse the use of any specific internet-based company for cards, photographs or letters nor has HMPPS entered into any exclusive agreements with the companies mentioned. HMP Wandsworth does not currently restrict postal services to Moonpig and Funky Pigeon.

Electronic Monitoring

UK Parliament: Since April 2021 our acquisitive crime project has been using GPS electronic location monitoring to track the movements of burglars, robbers and thieves released on licence and serving a standard determinate sentence of 12 months or more across 19 police force areas. I have now laid a statutory instrument to expand this world-first project to include offenders serving shorter sentences of 90 days or more. This will come into force on 26 October. Electronic monitoring will be a compulsory condition on the offender's licence for the remainder of their sentence up to a maximum of 12 months, other than in exceptional circumstances where probation assess that an offender's health or personal situation make the use of a tag inappropriate. Through this measure we aim to deter further offending and reduce crime; expanding the project to offenders serving shorter sentences will increase the number of offenders captured by the legislation by around 2,000 by March 2025. This expansion will be subject to robust evaluation, including of impact on reoffending and cost-effectiveness. The evaluation will be conducted by the Ministry of Justice data and analysis directorate; the final evaluation conclusions report will be peer reviewed by independent academics before publication. It will allow us to better assess the most effective period for electronic monitoring Toggle showing location of Column 5WS of acquisitive offenders, helping to identify what is necessary and proportionate use and therefore influencing future decisions on how electronic monitoring can be used to reduce reoffending.

The location monitoring data is used to support the work of probation and the police. Using "crime mapping" technology we overlay police acquisitive crime data with tagging data to identify if any tagged offenders were in the vicinity of a given crime, to better equip the police to investigate offences, apprehend or rule out suspects and to support prosecutions. Alongside this, probation practitioners are provided with summaries of an offender's movements and compliance behaviour and, to further enhance supervision, they can investigate an offender's movements in closer detail using a self-service portal. Throughout this joint endeavour between the Ministry of Justice and the Home Office, feedback from policing and probation has been positive, and expansion is supported by them.

Deaths of Racialised People in Prison - 2015 – 2022

INQUEST: Despite decades of activism from bereaved people and their supporters, too often the deaths of racialised people in prison have been dismissed, and the role of racism has been overlooked and ignored. INQUEST's new report, Deaths of racialised people in prison 2015 – 2022: Challenging racism and discrimination makes a powerful intervention as it uncovers new data and tells the stories of 22 racialised people and how they died preventable and premature deaths in prison. The report specifically looks at the deaths of Black and mixed-race people; Asian and mixed-race people; Middle Eastern and mixed-race people; people of Eastern European nationality; White Irish people and White Gypsy or Irish Traveller people.

Through a literature review, an analysis of never before published data on ethnicity and deaths in prison, and an examination of the relevant inquests and investigations, the report evidences the role of institutional racism in the prison estate. Key issues include the inappropriate use of segregation, racial stereotyping, the hostile environment, the neglect of physical and mental health, the failure to respond to warning signs, and the bullying and victimisation of racialised people. INQUEST's research exposes deeply concerning patterns affecting people from racialised groups, which contribute to premature and preventable deaths in prison. Despite the thematic issues these cases raise, post-death investigations and inquests are consistently silent on issues of racism and discrimination.

Deborah Coles, Executive Director of INQUEST said: “We see time and time again repeated patterns of failure which contribute to the deaths of Black and racialised people in prison. Yet for too long the systemic issues contributing to these deaths have been ignored. The failure of post-death investigations to examine the potential role of racism or discrimination in deaths renders racialised issues invisible. As a result, the opportunity to acknowledge and address racial injustices and inequalities is lost. The decision to imprison the people featured in this report ended up being a death sentence. Imprisonment is ineffective in reducing crime and instead perpetuates harm and violence, with racialised and marginalised groups worst affected. In order to end deaths of racialised people in prison, in the short term we need more focused investigation, oversight and action on these deaths. In the long term we must halt prison building and redirect resources from the criminal justice system to welfare, health, housing, education and social care.”

Featured in the report are the experiences of Mohammed Irfaan Afzal, who was a 22-year-old man of Pakistani background. He was being held on remand at HMP Leeds when he died on 4 August 2019 from a chest infection, after losing so much weight he became emaciated. Prison staff described his presentation as ‘bewildered’ and ‘child like’. Mohammed was physically healthy upon arrival in the prison but over 48 days lost almost one third of his body weight, leaving him vulnerable to infection. Investigations into his death identified failures to assess his health, not only in the days before when he appeared unwell, but also for mental ill health and learning disabilities Ayesha Afzal, Mohammed’s sister, said: “My brother suffered for the last few months of his life scared, starving, sick, and alone. That will haunt me every day until I die. No one has been held accountable for his death, and there has been no justice.” This neglect of both the physical and mental health of racialised people is a key theme arising across the cases highlighted. Also see the cases of Anabella Landsberg, Tyrone Givans, Osman Ali Hassan, Natasha Chin, Tommy Nicol, which are detailed in the report.

Met to Stop Recording Ethnicity of Drivers Stopped by its Officers

Vikram Dodd and Mirren Gidda, Guardian: The Metropolitan police are to stop recording the ethnicity of drivers who are stopped by officers, just as other police forces start doing it, the Guardian has learned. Police in England and Wales had not previously recorded the race of those stopped on the roads amid claims that black drivers were picked on by officers.

In 2021, the Met was the first force to record a driver’s ethnicity as part of a pilot project. It agreed to do so under pressure from the mayor of London as it plunged into crisis. Details from that Met pilot scheme show some disproportionality, meaning that black and Asian drivers were stopped at a higher rate than white British drivers, according to documents obtained by Liberty Investigates. Compared with their share of the population, black people were 56% more likely to be stopped than white British people, analysis of the traffic pilot shows.

The disproportionality was much lower for road stops, compared with when officers stop and search people in the street, with black people being seven times more likely than white people to be targeted when they are on foot. The documents show that when conducting road stops, Met officers said they often did not know the ethnicity of the driver when they decided to exercise their powers. Some officers, according to the Met documents, felt recording the race of drivers took too much time, which took on average an additional two minutes. Now, Britain’s biggest force will drop the scheme aimed at identifying potential racial bias.

But several other forces across the country are to start recording the ethnicity of drivers, and police chiefs hope all forces will join. The National Police Chiefs’ Council says it wants to

close the race gap in policing, which means an almost 20% deficit in trust and confidence black communities have in police compared with the average. The Met pilot followed a spate of cases in 2020 when people were stopped and found to be innocent. This included athlete Bianca Williams, and her partner, Ricardo dos Santos, who were handcuffed while their baby was in the car. Nothing unlawful was found by officers, some of whom now face a disciplinary hearing. Dos Santos told the Guardian the Met should keep recording the data to avoid damaging public trust, adding: “Confidence is already running low; rather than taking a step forward, they are taking a step backwards. It makes people think there is something to hide, because you would not want to stop doing that if there was not something to hide.”

Until now, police have had to record the ethnicity of people they stop on foot in the street, which has exposed the national disproportionality. A small pilot in London in 2020 suggested black people were six times more likely to be stopped while driving than white people. The latest pilot, much bigger than the previous, lasted six months from January 2021 to July 2021 with data for 7,556 stops collected. Dr Krisztian Posch of University College London analysed the data for the Guardian. It showed the biggest disproportionality was for black people, who are 13.5% of London’s population but who made up 17.2% of stops during the pilot. Asians make up 19% of the population, but made up 21% of stops where people stated their ethnicity.

Over 600 Domestic and Sexual Abuse Allegations Against Metropolitan Police

The Metropolitan Police is investigating more than 600 domestic and sexual abuse allegations against its officers, the BBC has been told. They are the focus of a specialist team established to restore public trust in the force following a number of scandals, including the murder of Sarah Everard by a serving officer. Their work is similar to fictional unit AC-12 in the BBC drama *Line of Duty*, but focusing instead on abusive cops, not “bent cops”. The new Domestic and Sexual Offences Unit - or Daso unit - is the response to a string of horrifying scandals which caused enormous damage to the reputation of the UK’s biggest police force. And represents an attempt to sweep out the dark corners of a force with a trust problem. Since it was established in January, the team’s caseload has grown to 625 allegations of sexual or domestic abuse against officers or police staff. Sometimes the victims they are trying to protect from rogue police officers are members of the public, but sometimes they are other police officers. A significant number of cases involve domestic abuse situations where a couple are both in the police. Such abuse often feeds on a power imbalance. The police is a service where uniforms, ranks and the law itself give officers the ability to exert power over other people, inside and outside the force. There is a risk that this might encourage unprofessional or criminal behaviour, or allow it to be covered up.

Met Police Forced to Pay £6,000 After Unlawful Search/Handcuffing of Mixed-Race Boy

The Metropolitan Police has been forced to apologise and pay £6,000 to the family of a mixed-race boy who was unlawfully searched and handcuffed, *The Independent* can reveal. Jason*, who was 13 at the time of the incident in September 2018, was cycling home after having his hair cut with his brother and a friend. A police patrol car “suddenly” sped towards them, prompting the boys to fear being run over, according to Jason’s mother. Two white male officers then got out of the vehicle and one of them grabbed hold of Jason, pushing and handcuffing him. The boys were released after 10 minutes and officers insisted that neither boy had been “detained or searched” though this was later disproven.