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MOJUK: Newsletter 'Inside Out' No 924 (09/11/2022) - Cost £1

'Women in Prison' - Welcome Steps Towards a Women-Centred Approach

Emily Evison, Prison Reform Trust: The House of Commons Justice Committee has published the government's response to its report on women in prison. In this article, Emily Evison, Policy & Programme Officer at the Prison Reform Trust examines some of the key commitments made by the government in its response and shares her assessment of them.

The committee endorsed the government's 2018 Female Offender Strategy as a welcome step forward in recognition of the need for a specific approach to women. But the committee found there had been a concerning lack of progress against the aims and objectives of the strategy. It attributed this to a lack of investment in the measures needed to make the aims achievable. The committee made recommendations across a range of areas, aiming to 're-energise' the government's ambition to deliver the strategy.

The government accepted 35 of the committee's 38 recommendations. Many of the commitments made by the government are welcome. These include a clear reiteration of its overall commitment to the Female Offender Strategy, as well as work on better data collection and sharing and full national roll out of the primary care mental health treatment requirements by 2023/24. However, the proof of whether the government will deliver on its promises remains to be seen. Much will depend on the forthcoming delivery plan, the measures and the timelines the plan sets out, and whether performance against those measures is published. Below we highlight some of the key commitments made by the government in its response and our assessment of them.

***Delivering the Female Offender Strategy* -** The government says it aims to publish the Delivery Plan for the Female Offender Strategy 2022–2025 'shortly'. The plan will include specific and measurable commitments based on the three original aims of the Female Offender Strategy. But in addition, there will be a fourth aim focussing on 'protecting the public through improving outcomes for women released from prison'.

***Strengthening Family Links* -** Similarly, there is a commitment to publish an update on the implementation of the recommendations in the Farmer Review for Women by the end of this year. As it stands, the government has said it has implemented 25 of the 31 recommendations. However, without a detailed update, we are unable to assess whether this is correct.

***Residental Women's Centres* -** The planned residential women's centres (RWCs) continue to be an expensive experiment. The original commitment in the Female Offender Strategy was to "develop a pilot for 'residential women's centres' in at least five sites across England and Wales". More than four years later, the first site is yet to receive planning permission, and this response from the government makes no clear commitments on the remaining four centres. From the response we can also see that £10 million (over three years) has been allocated to this first centre in Swansea, a huge amount of money compared to only £24 million (also over three years) to the whole of England and Wales on non-residential support.

***Expanding the Women's Prison Estate* -** The key aim of the Female Offender Strategy was to reduce women's prison places. However, the government remains committed to building an additional 456 spaces in the women's estate. The government's response again highlights that the rationale behind this figure was based only on general modelling of the prison population.

The additional detail the government provides is welcome. There will be 12 open (25 places per unit) and six closed units (26 places per unit) across HMPs Drake Hall, Eastwood Park, Foston Hall, Send and Styal. But we have to question why women who would be suitable for open conditions need to be in prison in the first place. It is also unclear what the recent changes to the criteria for transfer to open conditions will mean for demand on those open places. We have every reason to fear that demand for these places will decline markedly as the number of women denied transfer under the rules increases. The government's response certainly conveys a greater sense of urgency than was evident in the years immediately after the strategy was published. But the merry-go-round of ministerial changes has delayed the publication of the action plan that has been so long in the preparation, and the prospect of spending cuts is an immediate threat. So the wider sector needs to keep up the pressure to ensure the government keeps its promises. The wellbeing of thousands of vulnerable women in the justice system depends on it.

Judicial Bias – Opening Pandora's Box?

Transform Justice: The other day Sir Geoffrey Vos, Master of the Rolls, gave a speech about diversity in the legal profession. He pointed out that judges could forget they came from a relatively narrow social group and create barriers: "talk about elite schools and universities is likely to make those that did not have the opportunity to attend them uncomfortable". I asked Sir Geoffrey why there was no good research on judicial bias in England and Wales? He obfuscated. But there really isn't. There is research looking at disparities in sentencing. A study from the Sentencing Council found that in the case of three supply of drugs offences: "for Asian offenders and those in the "Other" ethnic group (which included offenders who were not Asian, Black or White), the odds of receiving an immediate custodial sentence for the three drug offences were 1.5 times the size of the odds for White offenders. The odds of a Black offender receiving an immediate custodial sentence were 1.4 times the size of the odds for a White offender".

There is no research involving interviews with and observations of judges in England and Wales on bias. If judges wanted this evidence, they could open their doors to academic scrutiny. The lack of such a study speaks volumes. But there is a new report which sheds some worrying light on racial bias in the judiciary. The report sets out the findings of a survey of lawyers about race bias and critiques the whole way the judiciary approaches the issue. It doesn't pull its punches.

The main source (a survey of lawyers) got 373 responses. I suspect they tended to be from those already worried about judicial bias. So the findings are not representative of all lawyers' views. However they represent important evidence from lawyers, some of whom are part time judges, about judicial behaviour. Two-thirds of respondents (from all jurisdictions) felt that race played a significant role in the processes and outcomes of the justice system. Many respondents felt judicial bias was endemic: "I have seen many instances where the pain and suffering of black people at the hands of the state is trivialised by judges". Lawyers felt that bias was evident in body language as well as words "Subtle differences in judicial intervention/questions when speaking to those of different ethnic backgrounds. No smiles, as there had been to the white witnesses. Almost a scowl when speaking to others". Respondents felt that such signals effected everybody in the courtroom including juries.

Not surprisingly, lawyers thought such bias also affected decision-making " I have witnessed first hand sentencing disparity between black and white defendants. The black defendant with the least serious offence received an immediate custodial sentence whilst the white defendant received a fine (band e). I have personally represented those defendants one after the other

in the same court before the same judge/magistrate". Respondents felt young black men were particularly likely to suffer from discrimination and pointed to joint enterprise cases where drill and rap music were used to suggest young black men were members of gangs.

The report authors call on judges not just to act in a non-biased way, but to actively fight racism. Some respondents had come across a few anti-racist judges: "This judge listened and engaged with my submissions, then passed a sentence which allowed the defendant to remain out of custody and addressed head on issues of structural racism that have contributed to his offending behaviour, allowing this young defendant to feel seen and heard". But respondents felt such judges were all too rare.

How can we reduce bias in judicial behaviour and decisions? The first step may be to acknowledge it exists. But the brand new Judiciary uk website suggests racial bias does not exist. If you put racial or unconscious bias into the search box, there are no results. The news pages illustrate the judiciary's approach to race and faith diversity – they feature two Sikh judges sharing Diwali reflections and four black judges visiting a sixth form. All great activities, but not ones likely to address the incidents of bias highlighted in the Manchester University report.

If the justice system is to gain and retain the trust of minoritised communities, judicial bias can no longer be put in the too difficult box. Lawyers and people with lived experience of the justice system (and many others) want greater judicial diversity and action to address the injustice caused by prejudice. But the lack of judicial response to this report suggests we may wait a long time.

Prison Reform Trust Comment: Safety in Custody Statistics

Commenting on the publication of the Ministry of Justice's Safety in Custody Statistics, Peter Dawson, director of the Prison Reform Trust said: "These are very alarming figures. Every indicator shows a significant deterioration in safety in prisons in the last quarter. We have been here before. The last austerity drive produced a catastrophe in prisons, with suicide rates doubling and violence spiralling out of control. Ministers cannot say they have not been warned — these numbers demand an urgent response."

The new figures reveal: In the most recent quarter (April–June 2022), there were 13,052 self-harm incidents, up 7% on the previous quarter, comprising increases of 3% in male establishments and 17% in female establishments. The rate of assault in male establishments increased by 10% from the previous 12 months, while the rate in female establishments increased by 30%. Assault rates for the 12 months to June 2022 were higher in female establishments (390 incidents per 1,000 prisoners) than in male establishments (254 incidents per 1,000 prisoners). The rate of assaults on staff per 1,000 prisoners increased by 3%, comprising increases of 1% in male establishments and 19% in female establishments compared with the previous 12 months.

12 Met Officers Charged With Multiple Sex Offences

Joyce Claudia Choo, Justice Gap: The Met revealed that 12 of its officers are awaiting criminal trial for sexual offences. This comes after a damming report finds racial disparity and sexual misconduct within the police force. One officer is charged with three counts of rape and one count of causing a person to engage in penetrative sexual activity that took place in July. Another constable in Enfield has been charged with more than a dozen offences dating to 2019-2021. The charges included four counts of sexual activity with a minor between age 13 to 15, and distributing indecent images of a child. He was arrested in July and has been currently suspended. Another Met firearm officer, who worked at Downing Street, is facing trial for rape and has been remanded in custody.

These findings come after a report by Baroness Casey of Blackstock into the Met last week that found officers avoiding disciplinary action despite various complaints ranging from sexual violence, distribution of explicit images, and discrimination and professional dishonesty. The report found that a significant proportion of the force indicated that the system was racist, misogynist and unfit for purpose. The report found 1800 serving constables were allowed to continue with their professional duties despite multiple misconduct findings against them. The report discovered that the threshold of interpretation the Met has set for 'gross misconduct' is too wide, and consequently, the number of police officers dismissed for gross misconduct has fallen significantly this year. Notably, there is significant racial disparity throughout the Met's misconduct system. Asian officers were 55% more likely to have misconduct allegations brought against them compared to white officers, and the figures jump to 81% for black officers. Police Commissioner Sir Mark Rowley has not disputed the findings of the report, and has responded to Baroness Casey's report by admitting a need for 'radically overhauling' the police force.

Rex V Paul Richard Surrey - This is an application for permission to appeal against sentence which has been referred to the Full Court by the Registrar. It is also an application for an extension of time of 14 years 11 months and an application to admit fresh evidence under s.23 Criminal Appeal Act 1968. For reasons of convenience we shall refer to the applicant/appellant simply as Surrey. No discourtesy is intended by the use of solely the applicant/appellant's family name.

The provisions of s.39 of the Children and Young Persons Act 1933 ("CYPA 1933") were engaged in this case because the applicant was under 18 years of age both at the time that he was convicted, and also when he was sentenced. An order was made on the date of sentence, 29 March 2007, under s.39 of CYPA 1933 in relation to proceedings in the Crown Court in the following terms: "The Court prohibits the publication of the name of the defendant who is the subject of this order." Those provisions are no longer engaged as the defendant is now over the age of 18, when such orders lapse. This interpretation of the operation of the prohibition was made clear in R v JC and RT and Others [2014] EWHC 1041 (QB) by the Divisional Court (PQBD, Cranston J and Holroyde J (as he then was)).

Conclusion: Due to the nature of the case, we gave our decision at the conclusion of the hearing on 6 October 2022. These are our reserved and detailed reasons for that decision. We granted leave to appeal, admitted the fresh evidence and granted an extension of time in the required period for the application for permission to appeal to be made. We allowed the appeal. We quashed the sentence passed in the Crown Court in Newcastle on 29 March 2007 of a sentence of detention for public protection under section 226 CJA 2003 (the DPP), and in its place imposed a Hospital Order under s.37 of the Mental Health Act 1983 with a Restriction Order under s.41 of the same Act, unlimited in time. We also extended the Representation Order to cover the work done by Surrey's solicitors from the date of lodging of his appeal.

We would add only this, in terms of the practical effect of our decision on this appeal. Once the custodial term of a DPP or an IPP has been served, the purpose of the continuation of detention as part of the sentence is protection of the public. Once such a prisoner is released, when this is considered safe by the Parole Board, that prisoner on licence can only be returned to custody when they breach their licence conditions or commit a further offence. When a prisoner who is under a section 37/section 41 Hospital Order is released, which occurs when the Mental Health Tribunal considers this to be safe, that person can be returned to a secure hospital for breaches of the medical conditions imposed upon that release, such as a failure to take their prescribed medication. This applies to Surrey. It can therefore be seen that the protection of the public is increased, rather than diminished, by the outcome of this appeal.

March by Justice Campaigns Demand Action Over Deaths After Police Contact

Campaigners want 'truth, accountability, change and an end to state killings' - Hundreds of bereaved family members, friends and supporters protested in central London on Saturday 29th October 2022, over deaths after contact with police and state agencies. It was the 24th Annual Remembrance Procession of the United Families and Friends Campaign (UFFC). The families involved have been bereaved by deaths in police and prison custody and mental health settings. Sharine, whose friend Godrick Osei died after contact with the police in July, told Socialist Worker she was protesting against "police brutality". "He was only 35 and left behind two young children," she explained. "He died in Cornwall after calling the police for help. He went to an old people's home where the carers said he wasn't a threat and put him in a room. After the police came in he was dead."

The protest marched from Trafalgar Square to Downing Street. Five families from UFFC and justice campaigns handed in a letter calling on Rishi Sunak, home secretary Suella Braverman and mayor of London Sadiq Khan to meet to discuss their demands. Melanie Leahy, whose son Matthew Leahy died after seven days in the psychiatric system, told Socialist Worker she's been "searching since 2012 for justice. I stand with the UFFC," she added. "We are campaigning for the truth, we had 106,000 people sign our petition for Matthew and it was debated in parliament. We want a statutory public inquiry to question why things were allowed to go so wrong." The demonstration was supported by Inquest and Stand Up To Racism among others. Speaking to the crowd, Benda Weinberg, a relative of Brian Douglas who died after being hit with a police baton, explained how she was the one to start this annual demonstration 24 years ago. She told of the horrors their family faced, "You can't have a funeral—if you do, you do it with body parts missing. Brian was buried without a brain. We realised we weren't alone," she added. "We have to take this shit that makes no sense to Number 10. How long until something changes? Police pay lip service and in the next few months there's another death, and another."

Janet Alder was spied on by police after her brother, Christopher Alder, died in a police cell with officers making monkey noises around his corpse. "Each time a death happens all the police learn is how to cover it up. She called on people to "stand with us and fight for justice". Outside Downing Street families involved in justice campaigns including Helen Nkama, the mother of Chris Kaba, handed in the letter demanding a meeting. Chris was shot and killed by a cop on 5 September in south London. Jefferson Bosela, Chris Kaba's cousin, said "there was no pursuit, there were no lights, there were no sirens" before he was shot dead by police. He said that after viewing footage of the incident in which Chris died, the family had stepped back because of how traumatic the experience had been. Jefferson paid tribute to his cousin who "loved life". He added he believed Rishi Sunak would do "nothing" in response to a letter signed by the families of five people who have died in custody demanding an urgent meeting with him. Another person handing in the letter was Alfred Omishore, the father of Oladeji Omishore. Oladeji died on 4 June after falling into the River Thames following the repeated use of a stun gun by two police officers on Chelsea Bridge. Alfred said the family was "appalled" at false narratives being peddled over the death, including that his son had been armed with a screwdriver. Many speeches outside Downing Street called for transparency in the criminal justice system. Others called for an end to police brutality and a halt to the intimidation of victims' families. Marcia Rigg, sister of Sean Rigg who died while in police custody at the entrance to Brixton police station, and organiser at UFFC said, "Families tirelessly campaign, when they ought to be grieving, for the truth of what happened to their loved one. We have no choice but to publicly challenge the judicial system, sadly at a very high cost to our mental health and well-being, because we do not want any other family to experience the same trauma and years of delays that we have. We are taking this opportunity to inform the newly appointed prime minister of our objectives and demands for truth, justice, accountability, change and an end to state killings.

Is Our Jury System a Vestige of White Supremacy?

Nisha Waller. Justice Gap: To be convicted of a criminal offence in England and Wales, a prosecutor needs to persuade only 10 of 12 jurors that the defendant is guilty. This was not always the case. Prior to 1967, a unanimous verdict was required, meaning that all 12 jurors had to agree. A brief glance at Hansard's parliamentary archives tells us that British ministers gave two justifications for this change to our jury system. First, to improve cost and efficiency by reducing the number of hung juries and subsequent re-trials. Second, to prevent 'jury nobbling' – attempts to influence one or more jurors through threats or intimidation. Ministers argued that in allowing a majority verdict of 10-to-2, the effects of nobbling would be negated. (Pic: Pauline and Ashley have for decades been fighting for justice in a case that saw their loved one convicted on a 10/2 jury verdict despite flimsy evidence. Credit: APPEAL)

The majority verdict rule has largely gone unchallenged in England and Wales, and it has not been a significant matter of political debate since it was introduced in 1967. However, in the United State of Louisiana, the legitimacy of the majority verdict rule has been disputed in recent years. In 2020, the Supreme Court of Louisiana made a historic judgment in a case known as Ramos v Louisiana. Evangelisto Ramos was convicted of a serious crime by a 10-to-2 jury verdict and sentenced to life without parole. He contested his conviction by a non-unanimous jury as a denial of the Sixth Amendment right to trial by an impartial jury, arguing that the non-unanimous verdict allowed for racial discrimination. In this decision, the Supreme Court ruled that non-unanimous verdicts could no longer be used to convict people of serious crimes, amid recognition that the origins of this practice were rooted in racial prejudice.

Behind the movement that successfully ended Louisiana's use of non-unanimous jury verdicts was ground-breaking research undertaken by Professor Angela Allen-Bell of Southern University. Professor Allen-Bell was supported by Calvin Duncan, who spent more than 28 years wrongfully imprisoned and helped draft the submission for Ramos. In her paper, How the Narrative About Non-Unanimous Criminal Jury System Became a Person of Interest in the Case Against the Deep South, Professor Allen-Bell notes that non-unanimous verdicts were formally introduced during Louisiana's 1898 constitutional convention. Similarly to British ministers in 1967, the Louisiana delegates made clear that 'efficiency should be the first and primary consideration' when making changes to the judicial system. However, Professor Allen-Bell observed that 'there was a finesse about drafting what appeared to be race-neutral legislation, which was, in fact, legislation that was racist to the core'. Indeed, she found that the 134 white delegates declared that their 'mission was… to establish the supremacy of the white race'.

Professor Allen-Bell's research concluded that Louisiana's majority verdict rule was linked to Jim Crow laws which served to uphold white supremacy following the 'abolition' of slavery. Doing away with unanimity meant two things. Firstly, that African American jurors could not use their new voting powers to prevent convictions of other African Americans. Secondly, it allowed for quicker convictions, which in turn facilitated a production line of free prison labour – a handy replacement for free slave labour. Although the court's opinion in Ramos 'barely mentioned' racist intent (which in itself is a disservice to racial justice) Ramos successfully ended a century-long failure to recognise racism in Louisiana's jury system.

While the context in which majority verdicts were introduced in England and Wales differs significantly to that of the United States, this adjustment to our jury system was made at a time where the rights of racialised minority people in Britain consumed public and political debate. The Race Relations Act was introduced in the same period, which superseded the influx of migrants from

the Commonwealth nations and rise of British Black Power movements which the state sought to repress. While 'jury nobbling' and 'efficiency' are frequently cited as the justifications for the majority verdict rule in England and Wales, Louisiana legislators' 'talent' for utilising 'race-neutral language' has encouraged APPEAL to consider whether the majority verdict rule in England and Wales could also be rooted in racial prejudice, and what this might mean for defendants today.

The remnants of Britain's abhorrent colonial history are very much present within our Criminal Justice System. Just last week, the judiciary of England and Wales was labelled 'institutionally racist', with a research report, Racial Bias and the Bench, finding that black 'court users' were most likely to be subject to judicial discrimination.

This Black History Month, APPEAL has launched its own research project, 'Non-Unanimous Jury Verdicts and Racial Justice', which will explore the potential connection between non-unanimous verdicts, race, and miscarriages of justice in England and Wales. With the support of the pioneering Ramos team, experienced criminal barristers, academics, and wrongfully convicted people (some by a majority verdict), we will explore the origins of the introduction of majority verdicts in England and Wales, to ascertain if they are rooted in racism. Might our jury system also be a 'largely unnoticed vestige of white supremacy'? We'll be sure to let you know what we find!

Race, Juries and Wrongful Convictions

What's a 'non-Unanimous' or 'split' Verdict? - Jury unanimity is the principle that all jurors must agree on a person's guilt before someone can be convicted of a crime. Although it had been enshrined in English common law since the 14th century, about forty years ago the idea of 'non-unanimous' or 'split' juries was introduced. Since the passing of the Criminal Justice Act 1967, to have someone convicted of a criminal offence a prosecutor only needs to persuade 10 of 12 jurors that the defendant is guilty. Our project will probe the true reasons behind this reform.

Why are we looking at this? - In Louisiana, U.S., a similar change to the law was passed in 1898. But two years ago - in a landmark case known as Ramos v Louisiana - the Supreme Court of Louisiana found that the reason for the change of law was that "the State wanted to diminish the influence of black jurors, who had won the right to serve on juries". In this judgment, amid recognition that the origins of this practice were deeply rooted in racial prejudice, the Court abolished non-unanimous verdicts (widely known in the U.S. as Jim Crow Juries).

Although the context in which non-unanimous jury verdicts were introduced in England and Wales differs significantly to that of the United States, the adjustment to our jury system was made at a time when the rights of racialised minority people in Britain consumed public and political debate. As in Louisiana, might the reform have been rooted in this time of racial upheaval?

What's the Link to Miscarriages of Justice? - In the U.S., it was proven through a combination of legal action and campaigning that non-unanimous jury verdicts are more likely to result in innocent people being convicted of crimes. Anecdotally, in England and Wales, many convictions overturned at appeal have been the result of verdicts with which one or two jurors did not agree.

'Rubbish' Computer System Puts Justice at Risk

Jack Sheard, Justice Gap: Legal Advisors are continuing strike action over the imposition of a flawed and unpopular computer system which 'puts justice at risk'. Members of the PCS union voted to strike for nine days from 22nd October, in protest against the Common Platform, a new computer system. It is intended to allow all parties to a criminal case to access details of the case in a single location. It has cost £300 million, and is currently used in 136

different courts throughout England and Wales, with the remaining 40% of courts due to receive it in 2023. The strikers call attention to the system's 'fundamental flaws'. Cases are lost, new charges are 'magicked up', and court results are changed. It has been compared to the Horizon system, at the heart of the long-running Post Office scandal. Critics have cited examples where a court imposed a driving ban, but later investigation revealed the result had been changed on the computer system. On another occasion, an individual was held in prison for several days without cause, an error traced back to Common Platform. A third case involved charges being incorrectly transferred to a crown court, with the presiding judge describing the system as 'rubbish… more trouble than its worth.' Strike action affects 60 magistrates' courts. Many hearings have had to be adjourned. In Luton, only one Legal Advisor was available to cover six courts. In Manchester, only four courts were able to sit on the 24th, and only three the following day. The criminal courts already have a backlog of 60,000 cases. Legal Advisors are trained lawyers, who provide support to lay magistrates and judges. Under Common Platform, they will also take over administrative roles. The PCS, the largest civil service union, states the rollout of Common Platform will cost 3,000 jobs, and has caused significant stress and anxiety.

Prisoners Barred From Interview Panels

Inside Time: A scheme to give prisoners more say in how their jail is run has been blocked by the Prison Service after the Prison Officers' Association (POA) objected. At HMP High Down, a men's prison in Surrey, a prisoners' representative was chosen to sit on a panel interviewing staff for an internal move to work on a particular residential unit. It follows recent initiatives to offer prisoners greater input in the running of jails, including the setting-up of a 'prison council' at every jail to communicate prisoners' opinions to management. However, the POA complained to the Prison Service about the decision at High Down. The union's general secretary, Steve Gillan, blamed the policy on a "rogue deputy governor" and said: "This is supposed to be a law enforcement agency, not a kindergarten. What's next? Putting criminals on a jury to make sure the other jurors meet their requirements? "We've already had complaints from officers at High Down, and others saying they just won't apply to have applications looked at by this board. One of them simply said 'I'm not being interviewed by a prisoner'."

The Daily Mail reported the story under the headline "'Woke' jail governor puts convict on hiring panel for prison wardens in decision branded 'political correctness gone mad'". In response, a Ministry of Justice spokesperson said: "This is clearly inappropriate and has been stopped with immediate effect. All prison governors will be instructed not to repeat this in future." Gillan later said on Twitter: "Update on the prisoner being on interview panels for prison officers. I am extremely grateful that HMPPS have acted swiftly and it has been confirmed to myself and the POA national chair there will be no reoccurrence."

£2.15 Per Day for Priosners Foodis Not Enough

Inside Time: A watchdog has said that a prison's food budget of £2.15 per prisoner per day is not enough to feed adult men. The Independent Monitoring Board at HMP Wealstun acknowledged in its annual report that spending had increased from the previous year, when the food budget was only £2.02 per day. However, it said that the new figure "needs to be seen in the context of food price inflation over the reporting year". It added: "Although the allowance has been increased to £2.15 it is still considered insufficient, and recent food price increases have eliminated any intended

increase in purchasing power … It remains a very low sum from which to provide three meals a day for adult men, and it remains the Board's opinion that food budgets should be set at a national level and regularly benchmarked to ensure that they remain adequate." Prison food budgets used to be set nationally for all prisons in England and Wales, and in 2014 the sum was fixed at £2.02 per prisoner per day. The system was then changed and Governors were given flexibility to top up their spending on food by taking money away from other areas of prison spending.

With the money, prison catering managers must provide prisoners with three meals a day – typically a breakfast pack, a cold lunch and a hot dinner. The Catering Operating Manual says prisoners must be offered a multi-option, pre-set menu with a minimum of five lunch and dinner options to meet different dietary requirement including vegetarian, vegan and halal. Menus must also meet nutritional requirements set by the Food Standards Agency, which says men need about 2,500 calories a day, and women about 2,000.

Study Backs PIPE units

Inside Time: A study of prison units designed for high-risk prisoners with personality disorders has found evidence that they can improve residents' social skills. Researchers looked at three Psychologically Informed Planned Environment (PIPE) units in English and Welsh prisons, two for men and one for women. They interviewed staff and prisoners, and gave prisoners psychometric tests. Prisoners on other wings at the same prisoners were also tested, for comparison. In their findings, published this month, the research team from Queen Mary University of London concluded: "This study offers preliminary indicative evidence that PIPEs can lead to the improvement of social and relational functioning within prison, associated with improving social climate and positive staff disposition." Residents in PIPEs reported better social and relational skills than those on other wings, with significantly lower levels of problematic social problem solving and relating styles. Staff felt they had reduced their use of force, and said that residents were engaging in more pro-social behaviour. A parallel study of a PIPE unit at an Approved Premises did not produce the same positive findings. PIPE units were set up five years ago as part of the Offender Personality Disorder (OPD) Pathway, a programme run jointly by the Prison Service and the NHS to try to reduce reoffending among the most dangerous prisoners. A separate study of the wider OPD Pathway, led by Prof Paul Moran of Bristol University and published at the same time as the PIPE study, found no evidence that it works.

Just Stop Oil Protesters Vandalise Prison

Inside Time:Demonstrators from Just Stop Oil threw black paint over a wall at HMP Altcourse in Liverpool to show support for one of their members inside. Two women from the protest group hurled the paint in what they called "an act of non-violent civil resistance", and then sat down at the site to take responsibility for their actions. Just Stop Oil said its protest on October 7 followed a court's decision to refuse bail to a 21-year-old man who ran onto the track at Silverstone during the British Grand Prix on July 2. He has been told his trial will not be until next year. One of the women, 20-year-old Hannah Bright, a sculpture student from Glasgow, said outside the jail: "We're here today because we're furious about the injustice of our friend being held for seven months without trial, and we're here for everyone who is a casualty to our 'not fit for purpose' prison system. I am in civil resistance for climate justice, for love, for compassion, for more humanity in this world, and that has to extend to people shoved in prisons, abused and forgotten about by society."

What is Going On in our Prisons? - A Jail Sentence is Often a Death Sentence -

Deborah Coles and Jessica Pandian, Guardian:Britain has the most draconian prison system in western Europe. Recent deaths in police custody have increased public consciousness of state violence and its relationship to institutional racism and sexism. And yet we are still often oblivious to the inherently harmful and too often fatal consequences of imprisonment that affect our most vulnerable people beyond the scrutiny of the general public.

Last year, 371 people in England and Wales died in prison behind closed doors – the highest death toll since records began. Yet, despite this, there has been near silence on the issue. On the few occasions when prison deaths have garnered attention on a national scale, they have often been dismissed and even rationalised on account of the status of those who die as prisoners – as if they deserved what was coming to them.

People in prison are some of the most marginalised in society, with experiences of institutional care, homelessness, educational disadvantage, addiction, mental and physical ill health, and abuse, underpinned by poverty and inequality. Many have been failed by other statutory agencies before entering the criminal justice system.

What is clear is that deaths in police custody and in prison are two sides of the same coin. Both occur at the hands of the same criminal justice system that disproportionately polices, prosecutes and imprisons the most disadvantaged and vulnerable people, and are most sharply felt across the intersections of race, gender, disability and class. Across successive governments, prison expansion has become a de facto policy. In 2021, the government outlined plans for the biggest prison-building programme in England and Wales in more than 100 years. It would raise the prison population to close to 100,000 by 2026. This latest project fits neatly into a broader historic move towards punitivism. In the last 30 years alone, the prison population in England and Wales has ballooned by 70%, with Britain having the highest imprisonment rate in western Europe.

Official statistics provide useful quantitative analysis of deaths in prison, but they can obscure the human stories behind them. Tommy Nicol was a 37-year-old mixed-race Middle Eastern man who was being held under an indeterminate imprisonment for public protection sentence. He took his own life in 2015, six years after he was jailed on a minimum four-year tariff. Sarah Reed was a 32-year-old mixed-race Black woman who was remanded to prison for the sole purpose of obtaining psychiatric reports. Her mental health worsened severely in prison and she was treated as a discipline problem. Mohammed Afzal was a 22-year-old man of Pakistani background who lost almost a third of his body weight during his 48 days in prison. Garry Beadle was a 36-year-old white man on remand with a history of mental ill health and was briefly homeless. He told an officer he was a suicide risk, but the officer did not fully record this. He died after only six days in prison. Thokozani Shiri was a 21-year-old Black man with HIV/Aids. Prison healthcare failed to provide him with life-saving antiretroviral medication during two periods of imprisonment. He told a prison officer: "I can't breathe, I need to go to hospital," but an ambulance was not called until five days later. While he was in an induced coma, prison staff restrained him with handcuffs. An 18-year-old mother gave birth on her own in prison without medical assistance. Her child, Baby A, died, with a pathologist unable to determine if they were born alive or stillborn.

These tragedies reflect recurring issues arising from deaths in prison. Prisons, by their very nature, are dehumanising places that create and intensify vulnerability to violence and premature death. The poor standard of mental and physical healthcare, ignored risk warnings, a failure to implement suicide prevention plans, the overuse of segregation, and slow emergency responses – as well as indefensible levels of neglect and despair – are problems that cut across all deaths in prison. Our latest report reiterates that the deaths of racialised people

in prison are among some of the most violent, contentious and neglectful of all prison deaths, with racial stereotyping and the hostile environment surfacing as specific issues. The death of Baby A and condition of countless women in prison demonstrate the broader systemic neglect of women's health. A constant stream of prison inspectorate reports, inquiries and inquest findings have produced rigorous, evidence-based recommendations to protect the health and safety of prisoners. However, these have been systematically ignored.

Families engage in post-death processes with the aim of ending preventable and premature deaths and seeing meaningful change. And yet we see similar deaths repeated with depressing regularity, often in the same prison. This raises questions about the lamentable complacency around accountability at all levels of the Prison Service and government. Prison is an expensive intervention that does not work, as demonstrated by high re-conviction rates. It fails prisoners, victims and communities. Instead of protecting the public from harm, it in fact perpetuates the cycle of harms and deaths. The morally indefensible tide of prison deaths, and the contentious nature of so many of them, reveals the intrinsic problems of the system.

To prevent future deaths, we must immediately halt prison-building, dramatically reduce the prison population and redirect resources from the criminal justice system to welfare, housing, education and health and social care. Through holistic investment in communities, we could address the root causes of crime and violence. To build the public pressure required to do this, we need the public to stand with us in shining a light behind the closed doors of prisons, and speaking out about the deaths of people in their care. Say their names, and stand with their families for justice and change. - *Deborah Coles is the executive director of Inquest, an independent charity working with families bereaved by state-related deaths; Jessica Pandian is a policy and research officer*

Is the UK Falling Behind on Criminal Records?

FairChecks Team Home to 20% of the world's prison population, America is often thought of as the most punitive country in the world. But what about criminal records? Americans with criminal records face many of the same barriers as those in the UK, such as difficulties accessing employment, housing, and insurance. In some ways, the American system is harsher than ours here in England and Wales, with many background checks revealing previous arrest records even if the person was not charged with any crime. But in recent months and years, changes have been made in several states to allow better opportunities for people to clear their record – a process called expungement. Following work from the Clean Slate Initiative and other passionate campaigning organisations, eight states have now introduced expansive legislation allowing automatic record clearing for many offences. According to the Clean Slate Initiative, this has provided a pathway for 2 million people to obtain a completely clear record. Just last month, the state of California went even further and introduced an incredibly progressive policy which will allow many more people to leave their record behind for good. The new bill signed by Governor Newsom in September will automatically seal most arrest and conviction records once someone has completed their sentence and gone four years without further contact with the criminal justice system. Meanwhile, data obtained by FairChecks through Freedom of Information requests to the Disclosure and Barring Service found that last year thousands of police cautions from more than a decade ago were revealed on criminal record checks, and more than 11,000 checks revealed offences committed when the applicant was under 18. A third of these childhood offences happened more than 40 years ago. It seems we have some catching up to do. In the next few months, FairChecks will be seeking meetings with key ministers and preparing for a big push to gain support from MPs to reform our outdated criminal records system. Watch this space!

Black People 80% More Likely to be Detaned Under Mental Health Act
11 Times More Likely Subject To a Community Treatment Order
Government 'Must Prioritise' Mental Health Act Reform

Monidipa Fouzder, Law Societ Gazette: Latest NHS statistics revealed a black person is four times more likely to be detained under the act than a white person. Between April 2021 and March 2022, people were detained 53,337 times under the act. Black people were four times more likely to be detained than white people and 11 times more likely to be subject to a community treatment order. Following an independent review of the 1983 act, which found an 'unacceptable overrepresentation' of black people among those detained, the government pledged last year to deliver mental health legislation 'fit for the 21st century' that would address racial disparities 'that have long been part of the way the act has been used'.

Society vice president Nick Emmerson said the latest figures show why reforming the act must be a priority. 'The current system means there is a risk that compulsory detention and treatment is used too often and that patients do not have enough involvement in decisions about their care,' he said. 'We welcome the government's commitment to reforming the Mental Health Act and support the introduction of new safeguards for patients refusing medication. These figures show why change must happen sooner, rather than later. There is also a need to ensure the Mental Health Tribunal is properly funded, given the increased role it will have under the government's proposals.'

Under the 1983 act, the tribunal can make recommendations relating to a patient's leave or transfer. They will be empowered to make directions under the government's reforms. Concerned that black people experience poorer outcomes, Emmerson said the act should be used in the least restrictive way possible. People who are detained against their will should have their views and choices respected. 'We are monitoring the progress of the draft Mental Health Bill and will work to ensure this vital legislation enables patients to have a greater say in their care and ensures access to justice by enabling people to challenge inappropriate treatment.' A committee established by both houses of parliament will continue to scrutinise the bill this week. An evidence session on Wednesday will focus on changes to the criteria for detention and treatment, and the impact of the proposed changes when the act is applied to patients in the criminal justice system.

A government spokesperson said: 'We are committed to ending the unequal treatment of people from Black and other ethnic minority backgrounds with mental illness, and introduced Seni's law to reduce the use of inappropriate force in mental health settings. 'Our draft Mental Health Bill is currently going through pre-legislative scrutiny and is designed to ensure anyone in a mental health crisis is treated with dignity and respect - regardless of their ethnicity - and are given greater control over their treatment.'

The government said it is piloting culturally appropriate advocacy services to support people from ethnic minority backgrounds who access mental health services in Manchester, London, Oxfordshire and the Black Country. NHS England is also setting up a patient and carer race equalities framework to assist mental health trusts with practical steps to improve the experience of care for people from ethnic minority communities.

[The overall average annual costs for keeping an individual in a prison is £48,409, this figure is for 2020-21. The latest annual reoffending rate for adults who received a custodial sentence was 41.9% (2019/20). The reoffending rates for adults released from custody has dropped from 50.4% in 2009/10.]