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Judge Quashes Parole Board Decision Not to Release Prisoner on 18th December

[But will the prisoner be released on the 18th December - there seems to be some doubt]

1. This is an application for judicial review of the Parole Board's decision of 21 March 2022 not to direct the Claimant's release following his recall to prison in August 2021 (the Decision). 2. Permission was granted by Her Honour Judge Jackson on 27 September 2022 and she ordered the hearing be expedited. The Claimant is due for release on 18 December 2022 and Mr Bimmler accepted that even in the event I were to quash the Parole Board's Decision, it would not be possible to convene a new Parole Board hearing before his release. Nonetheless, he submitted that the claim was not academic and that if the Decision was unlawful then the Claimant was entitled to have a court say so, and that any such ruling might have significance in the future in the event, for example, that the Claimant were again to be involved in parole proceedings. I agree. 3. The Parole Board and the Secretary of State for Justice have both adopted a neutral stance to this application. Conclusion: The Panel's Decision not to direct the Claimant's release was therefore legally flawed and cannot stand. I therefore quash it. No other substantive order is necessary.

Offenders (Day of Release from Detention) Bill

Simon Fell MP: You will know, perhaps more than many in this place (Parliament), that I am a simple man, Mr Deputy Speaker. Prior to researching this Bill, I had not spent a great deal of time thinking about the criminal justice system or how it worked. I had laboured under the belief that if someone committed a crime, served their time and paid back their debt to society, they would be afforded every opportunity to succeed on their release from prison and make a fresh start. I was disappointed to find out that often that is not the case and many people released from prison, especially those released on Fridays, are almost set up to fail from the moment they set foot outside the prison estate. They face a race against time to access statutory and non-statutory services—to meet their probation officer; visit a pharmacy or a GP; sort out their accommodation—all on a Friday, with services closing early, and with some being a distance away or even impossible to reach by public transport. Many of them therefore end up homeless, with no hope of accessing services until Monday morning at the earliest. So they have nowhere to stay, they have little support and the world is on their shoulders. Is it any surprise that up to two thirds of people released without access to accommodation reoffend within a year.

That race against the clock is maddening. With a third of all releases taking place on a Friday, this is a numbers game, and the numbers are very high indeed: reoffending costs the taxpayer £18 billion a year; and 80% of crime is committed by reoffenders. If we support people as they come out of prison, we can play a key role in reducing the significant societal and individual costs of reoffending, leading to fewer victims of crime and fewer communities dealing with its impact. This Bill is an important step towards doing that. By making a simple change, by varying the date of release for vulnerable people by up to 48 hours, we can relieve that time pressure and give people the opportunity to make a fresh start. This small but significant change would build on existing Government funding and support for people coming out of prison, including the funding of temporary accommodation for prison leavers at risk of homelessness. We need to end the practice of Friday releases for the

most vulnerable, so that they have the vital extra hours and days they need to get support in place before the weekend arrives. This move is supported by charities, the third sector, those working in prisons, the probation service and the Local Government Association, and by former offenders who have been through the system. When you leave a prison setting foot outside the estate for the first time, you face the "first independent choice you can make in a while." If someone is released on a Friday, they have precious little time to make those choices and if they choose poorly, they may well find themselves back in prison. Some would rather see their family than comply with appointments, for some their addiction takes priority and others simply do not have time to make their appointments, with no chance of getting from point A to point B in the remaining hours of the day. When someone resides in Wormwood Scrubs at His Majesty's pleasure, is released at 3pm on Friday and then has to see their parole officer in Cambridge that same day, what chance do they realistically have of making that appointment before 5 pm?

I have spoken to prison leavers who were released from custody on a Friday. Some were lucky and managed to get support, but the majority were left facing severe issues with access to key resettlement services. Some ended up on the streets over the weekend while waiting for housing services to reopen on the Monday. Even worse, some people I have spoken to were greeted at the prison gates by the smiling face of their drug dealer. Criminal gangs know just how hard it can be for people to work through their release checklist, meet their parole officer, sort their housing, go to the pharmacy and so on, so they offer a handout—one that comes at a very steep cost. So the merry-go-round continues: the person is recalled to prison, and it all begins again. The nature of unstable releases means further addiction and ripe pickings for drugs gangs involved in county lines—the exact opposite of the outcome from imprisonment and rehabilitation that we might hope for.

Nacro resettlement worker: "The holding cell on a Friday is rammed as such a high proportion of people in prison are released in Friday. It's made worse by those whose release dates were set for the weekend, and are being released on a Friday instead. The pressure on the prisons and resettlement services is incredible. Yet, so many are being released without any support. Nothing. They don't know who their probation officer is. Where they need to go. What they need to do. And on a Friday, it's a race against the clock before services close. "Unfortunately, for those without housing, the only option on a Friday is emergency accommodation if that is available. And then that person will have to through the whole process again on the Monday, all the while trying to get to a whole range of other appointments. And UC throws up another obstacle. Anyone who has been in and out of prison and has claimed an advancement payment after a previous release, is no longer eligible for another advance payment. Released on a Friday with just the discharge grant, those impacted are faced with a long weekend with just £76 pounds to their name."

For many offenders, the day of release from custody is a realisation of a long-awaited goal: a chance to turn their backs on crime for good. But the reality for those released on Friday can be fraught with practical challenges to surmount. Those who need access to multiple support services before they close for the day, including local authority housing and mental health services, can face a race against the clock. Many services close early and are then shut over the weekend. Approximately a third of all releases fall on a Friday, so those services are under considerable additional pressure. Members may be, that a sentence is calculated in days from the date on which it is given. If the date of release happens to fall on a Saturday or Sunday, it is then brought back to the Friday, which explains why Friday has ended up being the most popular day in the week. Does my hon. Friend agree that he is seeking to correct an unintended consequence and right an obvious wrong!

The Bill seeks to amend the law to provide the Secretary of State for Justice with a discretionary power to bring forward the release date of an offender by up to two eligible working days where that

release date falls on a Friday or the day before a bank holiday. Such a power will promote law-abiding reintegration into society by ensuring that those leaving custody can access the support services they need upon release. In practice, this power will be delegated to the prison governor or an equivalent official, with the provision targeted at those most at risk of reoffending. To be clear, we are not talking about dangerous or high-risk offenders, and there will be strict security screening of eligible prisoners. The Bill is aimed at helping vulnerable individuals with complex needs who may need additional support to help them make the transition back to life outside prison.

There is a fleeting window of opportunity for people on release from prison, and we simply must not allow those who are serious about making a positive and meaningful change in their lives to fall by the wayside. We should not be setting people up to fail. This is not about softening sentencing; it is about making sure that the right support is in place at the right time to prevent them from immediately falling through the cracks. Evidence suggests that a Friday release day has a disproportionate impact on those with complex needs, those who have greater distances to travel upon release or those with substance or mental health needs, who face an increased risk of homelessness. Ministry of Justice research has shown that the release date can make a 5% difference in the likelihood of reoffending, with 35% of those freed on a Monday reconvicted within a year, compared with 40% on a Friday. Let us not forget that each of the individuals in that 5% represents a further unnecessary strain on the already stretched capacity of the prisons estate. More crime means more victims, and each of these instances of reoffending represents lost opportunities for reform after people have served their time and should be able to demonstrate their ability to rejoin and fully contribute to society.

[By supporting this Bill, the House has the opportunity to provide offenders with vital extra time to meet their probation or supervising officer and access healthcare and other services ahead of the weekend, helping to cut crime and, ultimately, making our streets safer. The Bill will help to safeguard the public by taking away a large part of the driver that leads to reoffending, driven by these cliff-edge releases. I sincerely hope the House will agree that by making the simple change proposed by the Bill—varying the date of release for vulnerable people by up to 48 hours—we can relieve that time pressure, take away that cliff edge and give people the best opportunity to make a fresh start.]

Operation Safeguard Will Put Prisoners In Danger

Given the government's approach to sentencing, and its prison building programme, it appears that it is effectively Conservative policy to significantly increase the numbers of those incarcerated in England and Wales – despite no credible evidence of the link between such policies and reducing crime or harms. In this context, the planned use of police cells to act as overspill sites of detention for prisoners – under the name Operation Safeguard – is a crass, ad hoc and dangerous turn (MoJ requests urgent use of 400 police cells for male prisoners, 30 November). The prison estate has long been in crisis – prisons are sites of violence, despair and systemic harm. That said, prisons are, in theory, designed – even if they consistently fail – to provide humane conditions in which, at least, the health, safety and welfare of prisoners and prison officers can be secured. Police cells, by contrast, are designed for short stays of days rather than months and weeks. The Ministry of Justice's announcement smacks of desperation. It ignores the mass of evidence from inspection, monitoring bodies, inquests and reviews about how to deal with a broken prison system. It will exacerbate harm. Manston has recently provided stark warning of such expediency, resulting in loss of life. Operation Safeguard could not be more cynically titled. A radical change in sentencing policy, a drastic reduction in the prison population and a radical programme of well-funded community alternatives is the way forward. Anything less will be a profound mistake with potentially catastrophic results.

Neal Saunders: Died Following Prolonged Thames Valley Police Restraint

An inquest into the death of Neal Saunders, 39, who died following prolonged restraint by Thames Valley police officers found that Neal being transported face down in a prone position and the lack of monitoring whilst in the ambulance contributed to his death. Neal was from Berkshire. A well-loved member of his community who was always willing to help others out, Neal's father said he was "like a brother to so many people". He described Neal as a very hard worker. On 3 September 2020, Neal was suffering a drug induced psychosis in his family home. He was agitated, paranoid and extremely vulnerable. His father, Ronald, acted like any concerned parent and sought help from the emergency services, namely the police at around 23:52. Six police officers and two paramedics attended to Neal during the early hours and the last moments of his life. Each of the police officers knew that Neal was presenting with Acute Behaviour Disturbance (ABD), a set of symptoms arising from a heightened state, which amount to a medical emergency.

Despite this, Neal was restrained in rear stacked handcuffs and limb restraints by four police officers for over an hour. During this time Neal's condition visibly deteriorated. He struggled against the restraint, and he can be heard in Body Worn Video footage pleading with the officers to "get off", told them "I can't breathe", asked to sit up, and his breathing was visibly laboured. In his evidence, PC Brown, one of the officers who restrained Neal stated that despite showing symptoms of ABD "that didn't make him any less of a risk." The ambulance that was requested as "high priority" by the officers arrived 55 minutes later at around 01:25 on 4 September 2020. On the Body Worn Footage shown to the jury, a Firearms Officer is heard saying "We need him on his back, don't we?". PC Brown responded, "Just take him any way you can," Another officer replied: "Face down, head up."

Neal was then transported in prone position (face down) in an ambulance to Wexham Park Hospital, whilst still in handcuffs and leg restraints, contrary to police and paramedic guidance and training. After 14 minutes in this position, he suffered a cardiac arrest. He was not adequately monitored. Neal was placed on life support at Wexham Park Hospital before he later died at 14:15 after life support machines were switched off. This inquest has raised very serious questions about the police and the attending paramedics' role in Neal's death – including the use of restraint and the positioning of Neal face down on an ambulance stretcher whilst he was transported to hospital.

The jury found: It was appropriate that Neal was restrained for the duration of the incident, as there was no safe, practicable alternative; Neal stated that that "he couldn't even breathe", medical evidence was that he could breathe although it was "laboured"; Thames Valley Police are trained to avoid prolonged restraint but not trained in how to assess when restraint becomes prolonged; Neal was transported in the prone position on a police carry mat and ambulance for 14 minutes. The positioning of Neal more than minimally contributed to his death; JRCALC guidelines for paramedics indicate that transportation of ABD patients in prone position is dangerous. The paramedic was not aware of the JRCALC guidelines which state that "use of the prone position should be avoided wherever possible or used for a very short period of time only" – but was aware that the prone position should be avoided generally. Police officers suggested positional options for Neal's transport from the flat to the ambulance, but the paramedic decided to transport Neal in prone position

Ron Saunders, Neal's father: "I called the police for help with Neal. I would never have done this if I had known officers would restrain him for over an hour. I thought they might be able to help calm him down. I defy anyone to be restrained like Neal was and feel able to breathe properly or be calm. I've learnt the hardest way that the police don't seem to be the right agency to respond to someone in Neal's condition. I wish there had been an emergency crisis service with properly trained medical professionals who could have helped Neal to relax and get him the

treatment that he needed. I live with the guilt every single day that Neal might still be alive if I hadn't called the police but there was no other emergency service who could have helped us. Neal spent his very last moments in life restrained by officers for over an hour and then restrained face down in an ambulance for over 10 minutes. There has got to be another way of responding to someone in Neal's condition so that no parent has to experience what I have."

Jodie Anderson, Senior Caseworker at INQUEST, said: "I can't breathe' have been the dying words of men, women and children under restraint across four decades of INQUEST's work. Of concern is the total lack of learning from others who have died following restraint and whilst suffering from Acute Behaviour Disturbance, locally and nationally. The IOPC's total lack of scrutiny in their investigation only serves to perpetuate the lack of accountability and change. The only solution if we are to prevent further deaths is to look beyond policing and redirect resources into community, health, welfare and specialist services and end the unsafe reliance on police as emergency first responders."

Rachel Harger of Bindmans LLP, who represent the family, said: "The family hope if nothing else that the tragic circumstances of Neals' death will spark a national conversation about who is best placed to respond to someone suffering with ABD, drug induced psychosis or any other mental health crisis. It is hoped that serious consideration can be given to establishing an emergency crisis team that can respond to those in crisis which is led by medical professionals rather than police, properly trained in de-escalation."

Police Force Accused of Beating Man Was Warned of 'Stop-And-Search' Failings

Adam Bychawski, Open Democracy: James Kennedy, a 42-year-old musician, told openDemocracy he was "absolutely terrified" when "aggressive" plain-clothes police officers got in his car without warning as he travelled home from a gig in Cardiff on 23 November. Kennedy says he was restrained, punched and threatened with a taser by officers from South Wales Police, whom he alleges forced him into an unmarked police car and took him to a police station, where he was subjected to a "degrading" strip-search. Now, openDemocracy has uncovered that just months before the alleged incident, the police watchdog warned South Wales Police that 30% of its stop and searches were 'unreasonable' – an increase of 16.2% since 2019/2020.

Responding to the news, Kennedy said he is "really sad and angry" at the thought that other people could have had similar experiences to his. Speaking to openDemocracy, he said he has been unable to sleep since the alleged attack last month. Kennedy said three police officers entered his car as he pulled over to text his partner to say he was on his way home, then handcuffed him to his seat and repeatedly punched him in the face, despite him making no attempt to resist them. He said the men told him they were police officers, but he did not believe them because they emerged from an unmarked car and were dressed in all-black civilian clothing.

"The nature of their intrusion into my car was also incredibly intimidating and aggressive and it felt much more likely to me that this was a group of three men who were robbing me," Kennedy said. He added that he was shown a police badge only after he was moved from his car into the back of the officers' non-police car. From there, he says he was taken to a police station and strip-searched, but was eventually released when no drugs were found. "I was given no paperwork or explanation, nobody signed me in or out of the station, no apology was made and as the three officers walked me to my car, one of them joked that 'I must have taken a good five punches' earlier on," he said. Kennedy said the attack left his face swollen and his wrist so bruised that a doctor told him he was too injured to perform the following weekend, forcing him to cancel gigs and lose income.

"However, the physical injuries are nothing compared to the mental and emotional trauma of the experience," he told openDemocracy. "I have barely slept in several nights and I have been unable to shake off the feelings of absolute terror that I felt when I was being restrained in my car."

South Wales Police were told they were just "adequate" at "treating people fairly and with respect" after a routine inspection by the HM Inspectorate of Constabulary and Fire & Rescue Services in August. The police watchdog found the force could not demonstrate that it had reasonable grounds to carry out almost a third of the stop- and- searches it made between 1 December 2020 and 30 November 2021. The independent police inspectorate said this represented a "significant decrease" in the number of reasonable stop and searches since its last review in 2019. Chief superintendent Mark Lenihan, head of professional standards at South Wales Police, said: "South Wales Police has recorded a complaint following a stop search conducted in the Whitchurch area of Cardiff on 23 November. "The force takes such allegations extremely seriously and the matter has been allocated to the Professional Standards Department for investigation. As the investigation is at an early stage, it would not be appropriate to comment on the circumstances of the stop search or the specific allegations being made."

Prisons Crowded, Squalid, Waste of Money. So Why Do The Public Want More Of Them?

Polly Toynbee, Guardian: Prisons in England and Wales are overflowing, again. Police cells are being requisitioned, again. Over the years, prison numbers go up and up – even though the Sentencing Council itself finds scant evidence that more time in jail does any good. Prisons are bursting at the seams because of ever-lengthening sentences. Damian Hinds, the minister for prisons, is eager to blame the barristers' strike for this crisis. That's outrageous: barristers' strikes have merely highlighted the existing prison logjam. Here's the real cause: the public's appetite for locking people up seems insatiable. Nothing is ever enough. The more politicians implement tougher sentences, the greater the public taste for even stiffer penalties. Fact-free, tabloid-stoked impulses for vengeance merge with politicians' desire to out-tough each other on crime.

Michael Howard's "prison works" speech in 1993 abruptly reversed a brief period of Tory liberalism during which prison numbers had fallen. David Blunkett's landmark 2003 Criminal Justice Act increased life sentences from an average of 12 to more than 20 years. This led to soaring numbers of prisoners in jail (when Margaret Thatcher left office in 1990 there were 45,000; now, there are 82,000). The chair of the justice committee, Bob Neill, is a rare Tory voice calling for less custody. This crisis in prisons is a horribly familiar story. Every public service has suffered severe cuts. Abysmal wages make it impossible to retain and recruit staff, and neglected buildings fall into gross disrepair. The public accounts committee (PAC) warns of the "eye-watering" backlog of repairs needed in UK prisons – they will cost £1bn. The government has claimed it will spend £4bn on expanding prisons, but this seems to be slipping away, going the way of those "40 new hospitals".

What's needed isn't bigger prisons with more places in them, but fewer prisons with properly paid and trained staff, and good rehabilitation programmes. The PAC warns of an "expected surge in demand across the criminal justice system from the recruitment of 20,000 new police officers". That perfectly matches the 20,000 more prison places that have been promised. More police officers with targets to hit means more arrests and more young men jailed; Richard Garside of the Centre for Crime and Justice Studies estimates the average cost of locking up a prisoner is £40,000 a year.

HMP Woodhill in Milton Keynes, Buckinghamshire, is typical. I visited a couple of years ago – it was chosen for me presumably as one of the less awful ones. Its impressive governor was struggling to keep the prison afloat then, but its recent chief inspector's report paints an even more dismal picture than the one I saw. The prison has been rated poor on safety, poor on

purposeful activity, not sufficiently good on rehabilitation and release plans, nor on “respect”. It has an inadequate daily regime (prisoners are allowed only two hours a day out of their cells, and even that is only on weekdays). Woodhill is running at below capacity. This is not owing to a lack of demand for places, but because one large unit has closed due to a lack of staff. The report concludes that staff shortages are “the single most limiting factor to progress”, making it “inevitable” that outcomes “will deteriorate even further”. This, it says, is “despite committed and enthusiastic leadership”. Indeed the governor, Nicola Marfleet, knew the problems all too well when I met her. Staff leave as fast as they are recruited, and most are inexperienced, yet their work involves overseeing dangerous and complex category-A prisoners. Most stay in post for three years or less. As in every prison, nearly half of Woodhill’s prisoners will be back. When I asked Marfleet what would reduce crime levels, the one thing she didn’t say was more prison. On the contrary, she said: “Sure Start centres, for all families, catching problems right from birth.” But most Sure Start centres have long gone.

Still, the public want more prisons. As a result, Britain has more prisons per head of population than most similar European countries. Research this year by Mike Hough, a professor of law at Birkbeck, and others shows that people think sentences are getting lighter than they were 25 years ago. Some 76% of those expressing an opinion say sentences are getting shorter and are too lenient, even though in reality average sentence lengths have increased. When asked what punishments ought to be meted out, the public often choose custodial sentences that are very close to what they already actually are.

Ignorance is the blight of democracy, inexcusable when simple information on everything is only a click away on any smartphone. But far more unforgivable are the politicians who keep stoking that “tougher and tougher” appetite instead of explaining the facts. That results in overflowing and squalid jails with criminals who are destined to come back time and again. It’s an absurd waste of money that should be redirected to the threadbare services for early years, children’s mental health and everyone’s education.

Special Advocates Acting in Closed Hearings Require More Support

The delayed Independent report on the operations of closed material procedure under the Justice and Security Act 2013 has now been published. Sir Duncan Ouseley, the retired Judge that conducted the review, stated that support for special advocates was a “major issue”. Special advocates are appointed to deal with closed material procedure in civil proceedings that are heard without press or public presence. These hearings are conducted in this way to avoid disclosing material that has the potential to damage national security. The claimants themselves are also excluded from these hearings, so the appointment and support of appropriate representatives, and the appropriate number of representatives, is particularly important. Sufficient support, according to Ouseley, includes premises, training, equipment, staff, and access to a library of closed judgments. These should all be on equal terms with what counsel for the government have access to. The resources in Northern Ireland apparently need addressing most urgently. The support needed will require an influx of cash and in general, it should be expected that closed cases are more expensive than conventional litigation. The report also highlights that a significant number of cases settle. There have been concerns from advocates that this was not the point of the process of private hearings being set up. However, it is more likely that settlement was reached on “a sounder basis with the closed material procedure than would have been the case if there had been no such pro-

cedure, and the defendant had been unable to defend the case or the claimant unable to proceed with it, save for whatever public interest immunity might have forced into evidence. The cases are brought, defended or conceded on a more informed and considered basis”. A few procedural changes were also suggested in the report. These include serving a draft closed defence; increasing the special advocate’s role in mediation; the ability for the court to require closed pleadings and grounds of challenge supplementary to the open submissions; and the addition of parties solely in closed proceedings. A database of closed judgments is also recommended. With additional financial support and organisation, Ouseley suggests that there should be no need for successive reviews of this kind.

Legislation For Children and Families ‘Largely Left On The Shelf’

Julie D, Tranparency Project: The House of Lords set up a parliamentary post-legislative scrutiny committee in January 2022 to inquire into the effectiveness of the Children and Families Act 2014. One of the several criticisms that appear in the committee’s report (published today) is the delay in such scrutiny, which no one was able to explain to them. Basically, the 2014 Act: Changed adoption law in England - Reformed special educational needs law in England - Introduced some important changes in family courts in England and Wales, mainly arising from the Norgrove review, including: the 26 weeks limit on care proceedings; reducing the use of independent experts in care cases; introducing MIAMs; and creating the presumption of ongoing contact with a non-resident parent being in a child’s welfare - Provided for shared parental leave. A lot for the Committee to cover. The report is 116 pages long and the Committee heard from 44 witnesses and received 150 written submissions. It consulted with other groups by various methods. Here is a brief outline of the Committee’s recommendations that relate to family courts,

Adoption: The Committee calls on government to: establish an outcome focussed task force, accountable to the Secretary of State, dedicated to addressing ethnic and racial disparities in the adoption system; improve post-placement support for adopters and kinship carers; develop a safe and modern digital contact system for post adoption. *Public Law:* The government should address the creeping delays in public family law cases through top-level leadership and investigation by the Family Justice Board. *Private Law:* The Committee heard strong views on presumption of parental involvement but did not believe it had heard enough evidence to recommend its repeal. It recommended government: produce an impartial advice website for separating couples, providing clear information on the family justice system; replace MIAMs and the mediation voucher schemes with a universal voucher scheme for a general advice appointment: review the current approach to empowering the voice of the child in family law proceedings General Criticisms and Comments: With regard to transparency and family justice, the report states: ‘Improved data collection and data sharing are necessary to track the performance of the family justice system, identify regional inequalities and ensure consistent outcomes for children and their families. The current absence of sufficient data on court outcomes is an evident failure of the system, and without improved data the Government is at risk of making major policy changes which have far reaching impacts on the lives of children and families without a sound evidentiary basis. The Government should improve its collection and sharing of data on the family justice system’

The report makes many other observations – beyond the courts – about the lack of family support and of mental health services for children. The introduction says: ‘Throughout our inquiry, we have sought to hear directly from children, young people and their families. We are grateful for their time and insight, as they shared with us the challenges they face and how

they feel let down by the very systems designed to support them. The welfare of children and young people should be the Government's paramount concern when developing policies in this area. We urge them not to allow another eight years to pass before they make the improvements which are so demonstrably necessary.' [page 5] And further, 'At the time of receiving Royal Assent, the Children and Families Act 2014 was described as a "landmark" piece of legislation. However, successive governments have failed adequately to monitor its implementation. In some instances, departments have made no meaningful effort to evaluate impact. This is unacceptable. When an Act receives Royal Assent, the Government should publish a post-legislative scrutiny plan. This should include when a post legislative memorandum will be published, if applicable, and details of the metrics which will be used to evaluate each section and what data will need to be collected to do so.' [paras 34-35]

MPs Launch New Inquiry into Assisted Dying and Assisted Suicide

Joyce Claudia Choo, Justice Gap: There is a concern that U.K. law as it stands may not reflect wider contemporary views on the legality of assisted dying. MPs are launching a new inquiry into assisted dying in the U.K., which, will look at the experience of other countries which have reformed their domestic laws in regard to assisted suicide. Currently anyone caught assisting or encouraging another person to end their life risks receiving a prison sentence. The Guardian reports that there have been over 200 cases of assisted dying or assisted suicide referred to the Crown Prosecution Service by the police in the last 13 years. The number of successful prosecutions has however been minimal, with only four.

Health and Social Care Committee Chair Steve Brine MP said: 'It's an issue that has vexed parliamentarians who have sought a way through the many ethical, moral, practical and humane considerations involved. What has changed in recent years is that there is now real-world evidence to look at. Some form of assisted dying or assisted suicide is legal in at least 27 jurisdictions worldwide.' So it is time to review the actual impact of changes in the law in other countries in order to inform the debate in our own.' The Health and Social Care Committee has stated that they are open to hearing and reviewing evidence from medical professionals, campaigners and members of the public regarding how assisted suicide affects them or those they know. Evidence sessions are expected to begin early in 2023.

Is Dominic Raab, Prepared to take Decisive Action to Abolish IPP

Richard Garside, Centre for Crime & Justice Studies: Speaking to the House of Commons Justice Committee recently, he acknowledged the many problems with this dreadful sentence. He also told the Committee that, had he been an MP at the time the sentence was introduced in 2003, he would not have voted for it. Despite the "foul stench" of injustice the IPP sentence continues to represent, Raab showed little appetite for the decisive action required. He appeared to reject the Justice Committee's central recommendation of a resentencing exercise for all those currently subject to an IPP. Given the government is yet to give its formal response to the Justice Committee report, we must hope that his remarks do not represent a settled position.

Raab also appeared daunted by weight of history. "I am stuck with the legacy of something I didn't vote for," he said at one point, "but that is the way our system works." "So we are stuck with an injustice because it was done in the past?", the Committee Chair, Sir Bob Neill, replied, leaving Raab thrown and flailing for an answer. The eleven-minute section of the Committee hearing dealing with IPP, concluded with a revealing comment by Raab. "I will be responsible, and held responsible,

for mistakes that are made in relation to public protection and risk", he said. If the government were to accept all the Committee's recommendations, including on resentencing, Raab will gain plaudits from some quarters as a bold reformer. He also faces political risks, including from unforeseen and unpredictable developments over which he has little or no control.

Put bluntly, when it comes to IPP reform, what's in it for Raab? Politics, of course, is a risky business. Politicians have to be prepared to make the big calls, accepting the risks that come with them. If not, they are merely enjoying the trappings of office, without accepting the responsibilities that come with it. If Raab is not prepared to take the big decisions to address a major injustice, then he should make way for someone who is. Given the current difficulties he is facing from other quarters, the decision may, in any case, be taken out of his hands.

Parents of Man Left to Die in HMP Nottingham - Say Care Failures Will Haunt Them For Ever

Daniel Boffey, Guardian: The case – the 27th death in just five years at HMP Nottingham – was said to illustrate the desperate state of Britain's understaffed and increasingly dangerous prison system. Alex Braund, a pub chef and keen rugby player, was being held on remand awaiting trial when he fell ill in his cell with the first signs of pneumonia on 6 March 2020. Four days later, on the morning of 10 March, after a series of ill-fated attempts by Braund's cellmate to get prison staff to take the situation seriously, the young man collapsed. Prison staff responded to an emergency bell rung by Braund's cellmate at 6.55am, but they initially only looked through the cell hatch, taking five minutes to enter the cell in order to give CPR. Braund was subsequently taken to Queen's medical centre in Nottingham, where he was pronounced dead at 11.44am of cardiac arrest caused by pneumonia.

The jury at an inquest at Nottinghamshire coroner's court found there had been a "continuous failure to provide adequate healthcare", with a prison officer told by a nurse a few hours before Braund's death that there was "nothing to be done at this time of night". Questioning during the hearing revealed that the nurse, who has since lost her job and been reported to the nursing and midwifery council, had amended her records on the morning of Braund's death. The assistant coroner Laurinda Bower has said she intends to refer the case to the police in relation to possible offences of falsifying medical records and perjury.

Braund's mother, Deborah Grange, 57, a local government officer from Matlock in Derbyshire, said the eight days of the hearing into her son's death had been harrowing. "I was expecting it to be bad but it did not prepare me for what we had to watch and listen to," she said. "I've just been living with Alex's most final moments, you know, he spoke to his girlfriend in the early hours. There was a feeling of abandonment, you know, sort of, you're just doomed, you know, destined to end your days in that cell. That will haunt me for ever." Braund's father, Tim Braund, 58, who also works in local government, said: "What we're interested in is trying to make sure nobody else suffers. Having heard the coroner, we have to be sceptical about the organisation's willingness to improve."

HMP Nottingham was described in an inspectorate report in 2020 as having had for "many years" a "well-deserved reputation for being an unsafe prison". One 80-year-old prisoner was throttled to death with a sheet in 2016 while watching snooker in his cell, and another in 2018 was stabbed to death with plastic cutlery, strangled with a ligature made from shoelaces and suffocated with a plastic bag. The latest inspectorate report from July 2022 found that levels of violence had stabilised, with some signs of progress in other areas, but warned that "health services had become stretched since our last inspection, with staff shortages affecting service delivery".

Braund had been remanded into the institution on 13 February 2020 after being charged with possession of a bladed article. His parents said their son had become mixed up with people selling

recreational drugs but that he had denied carrying a weapon. "But he was present when other people were involved in stuff they shouldn't have been," his father said. "Obviously he never got around to being tried for it." Braund started to feel unwell on 6 March. The following day he reported coughing up brown phlegm. A diagnosis of a common cold was made. His chest was not examined with a stethoscope and "probing questions were not asked", the inquest heard.

At 10.22pm on 9 March, the night before his death, the emergency cell bell was activated. Braund was said to have appeared scared. His request to go to hospital was denied and basic checks were not carried out. He was told that an appointment to see a doctor would be made for the following morning. Contrary to the evidence initially given to the hearing by a prison officer, the inquest found there were no further observations of Braund between 10.52pm and 5.35am the following day, when the emergency cell bell was run again by his cellmate. The nurse still did not visit Braund. At 6.55am, the cell bell was called again and Hill started shouting for help. The cell door was finally opened at 7am, and a 999 call was made a minute later.

Lucy McKay, a spokesperson for the charity Inquest, said: "Alex was neglected by a prison which has a long record of failing to protect the health and wellbeing of those who are owed a duty of care. He was also failed in death by staff who lied about their actions, and investigators who failed to address this." A Prison Service spokesperson said: "Our thoughts remain with Mr Braund's family and friends. Since this tragic incident we have introduced extra training for staff responding to medical emergencies. We will consider the jury's findings and respond to the coroner's recommendations in due course."

Just 36% Black Young People Trust The Police

Russell Webster: Only 36 per cent of Black children and teenagers trust the police compared with 75 per cent of young White people, according to a major new survey for the criminal justice consultancy, Crest Advisory. The trust figure for Black people aged ten to 18 was the lowest of any ethnic group and was even lower among Black Caribbean children. Less than a quarter of Black children and teenagers questioned for the poll said they trusted police to stop and search them fairly and fewer than one in five trusted officers to treat people from different backgrounds fairly. The survey also suggests young Black people are less likely to call the police if they are in danger than those who are White or Black adults.

Key findings: The survey was conducted online and succeeded in getting the view of 1542 children and teenagers, aged ten to 18 (including 100 Black children). The headline findings of the survey are set out below: 73% of respondents said they trust the police, compared with 62% in the adult survey: 36% of young Black people trust the police; 75% for those who are White: Only 28% of Black Caribbean children and teenagers said they trust the police

Trust in the police was lower among older children and girls, with Black girls the lowest of all among those surveyed, at 33%: 58% of all children and teenagers who had been stopped and searched said they trust the police, compared with 74% of those who had not been stopped: Young people in the East Midlands and Greater London had the lowest levels of trust in the police.

The confidence gap: Black children are the only group of children who have less trust in the police than adults of the same ethnicity. Crest were able to compare the findings of this survey with another recently done with adults. This survey suggests that the 'confidence gap' in policing between Black communities and the rest of the population is likely to get wider, rather than narrower, unless urgent corrective action is taken: children, young adults and Black people who are the second or third generation of their family to live in the UK, all have substantially

less trust in the police than those who are first generation.

Fairness: Black children expressed concerns in both the survey and associated focus groups over the service they would receive from the police and if they would be treated fairly. The majority (60%) did not trust the police to treat people from different ethnic or religious backgrounds fairly, or to conduct stop and search fairly (55%). This lack of trust meant that many Black children were reluctant to go to the police for help: 17% of all Black children and nearly one in four Black boys (24%) would not tell the police if they had been threatened with a weapon in their local area.

Children support Stop & Search but don't trust the police to do it fairly, their views on the use of stop and search powers are complex. The majority (61%) of children agreed that knowing that the police are stopping and searching people in their area would make them feel safer. However, this figure varies greatly by ethnicity: the same proportion (36%) of Black children agreed that they feel safer knowing that stop and search is being used, as those who feel unsafe. This is compared to the clear majority (64%) of White children who would feel safer.

Over a third (34%) of children felt that what they knew about stop and search had made them trust the police less. When broken down by ethnicity, it is clear that perceptions of stop and search have eroded the trust of Black children the most: 63% of Black children strongly or slightly agreed that they trusted the police less, as a result of what they knew about stop and search.

Stop and Search is traumatising: The research says that children find the experience of being stopped and searched traumatic, and that it lowers their trust in the police. Only just over half (53%) of children who had been stopped and searched felt that the police officer had treated them with respect, and only 48% agreed that the police officer had properly explained their rights to them when they were searched. Half of all children who had been stopped and searched stated that they trusted the police less as a result of this experience. More than half (52%) of children agreed that they had felt humiliated and embarrassed by the experience and half found the experience traumatic.

Conclusion: The findings from this research indicate that, overall, children are conflicted about the use of stop and search. Many children stated that they would feel safer knowing that stop and search powers were being used; however, less than half of all children trusted the police to use these powers fairly. For Black children, it is clear that many do not feel safe around the police and do not trust that police officers would treat them fairly or use stop and search powers appropriately. In addition, children who have been stopped and searched have lower levels of trust in the police, are less likely to feel safe around police officers, and are substantially less likely to talk to the police if they had been threatened with a weapon in their local area. That raises safeguarding concerns over how best to protect vulnerable children from harm.

Bloody Sunday: Youngest Victim to get £140,000 in damages

The first and youngest victim shot by a British soldier on Bloody Sunday is to receive more than £140,000 in damages, a High Court judge has ruled. Damien Donaghy was 15 when he was shot in Londonderry in January 1972. Thirteen people were killed and others wounded when members of the Army's Parachute Regiment opened fire on civil rights demonstrators in the city. Victims and their families have brought civil actions against the Ministry of Defence (MoD). It followed The Saville Inquiry in 2010 which found that none of the casualties was posing a threat or doing anything that would justify their shooting. Mr Donaghy, 66, has accepted throwing stones at troops near William Street before he was hit in the thigh by a high velocity bullet. The court heard that during treatment for a fractured femur he was terrified that he might lose his leg. His claim for loss of earnings was rejected.