

## MOJUK: Newsletter 'Inside Out' No 875 (01/12/2021) - Cost £1

### Every Part of Justice System Fails Mentally Ill People in Prison

*Rajeev Syal, Guardian:* Thousands of mentally ill people are in prison after being failed by every part of the criminal justice system, a comprehensive multi-inspectorate report has found. Six regulatory bodies have concluded that people with suspected mental health issues across England and Wales are offered poor support if they are arrested, prosecuted, incarcerated or placed on probation. HM Inspectorate of Constabulary and Fire & Rescue Services, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Prisons, HM Inspectorate of Probation, the Care Quality Commission and Healthcare Inspectorate Wales found: Unacceptable delays in psychiatric reports for court and in transferring extremely unwell prisoners into secure mental health hospital beds for treatment. - A "broken" system for sharing information between agencies. Confusion over data protection rules and incomplete and inaccurate records. - A shortage of services and long delays to access them, made worse by the Covid-19 pandemic. - About a third of people in police custody have some form of mental health difficulty, as do 48% of men and 70% of women in prison.

Inspectors drawing up the 107-page report examined more than 300 cases from six regions, interviewed 550 professionals, and heard from 67 people with mental health problems who had been through the criminal justice system. Commenting on the report, the chief inspector of probation, Justin Russell, said not enough progress had been made since the last joint inspection by the bodies 12 years ago. "Police forces, prosecutors, prisons and probation services all assess individuals in different ways, which leads to gaps and inconsistencies. Even when mental health needs are identified, the information is not always recorded fully or used to make effective decisions. There are significant problems in the exchange of information in every agency and at every stage of an individual's journey in the criminal justice system. This part of the system is broken and needs to be fixed urgently," he said.

Inspectors found extremely unwell prisoners were often left in prison instead of being transferred urgently to mental health hospitals. Women in particular were placed in prisons as a "place of safety" if they were experiencing a mental health crisis, including suicidal feelings, the report said. "Senior managers at one women's prison counted 24 such incidents in the previous 12 months; these cases involved extremely vulnerable women being remanded in prison as a last resort, as suitable alternatives could not be accessed. We believe that prisons should not be used as a place of safety – it is inappropriate and inhumane," the report said.

Delays were often caused by a lack of medium and high-security beds, the report found, while the mental health of prisoners deteriorated as they waited. The report concluded that a lack of a common definition of mental ill health meant there was an inaccurate picture across the criminal justice system. Probation practitioners told the inspectors their work was hindered because community mental health services would not allow them to access information, despite the fact these requests are lawful. The inspection found delays were common at every stage of the criminal justice system. Courts faced long waits for psychiatric reports, used to make sentencing decisions. The shortage of good-quality mental health provision also led to "unacceptable delays" for individuals accessing services. Russell concluded: "Criminal justice agencies need to make major improvements to the way they work with people with mental health issues. The inspectorates have made 22 recommendations following our joint inspec-

tion. We urge police forces, the Crown Prosecution Service, prisons and the probation service to work with the government and NHS to improve delivery for people with mental health issues in the criminal justice system."

### Nine Insulate Britain Activists Jailed For Contempt

*Law Gazette:* Nine Insulate Britain activists have been jailed for contempt of court for breaching an injunction preventing protestors from blocking the M25. The group began blocking roads in London, Birmingham, Manchester and Dover in September as part of its campaign to get the government to insulate homes. Nine activists, aged between 21 and 58 years old, admitted contempt of court by breaching a High Court injunction which banned protesters from 'blocking, endangering, slowing down, obstructing or otherwise preventing the free flow of traffic' on the M25. One member of the group, 27-year-old Ben Taylor, told the High Court this week that, if he was not jailed, he would 'go and block the motorway at the earliest opportunity and will continue to do so until the government makes a meaningful statement and acts on it'. Dame Victoria Sharp said his 'inflammatory' submissions were a 'call to arms', and jailed him for six months to deter him from 'committing further breaches'. Ana Heyatawin, 58, and Louis McKechnie, 21, were jailed for three months. Ben Buse, 36, Roman Paluch, 28, Oliver Rock, 41, Emma Smart, 44, Tim Speers, 36, and James Thomas, 47, were jailed for four months. All nine are entitled to be released after serving half their term. The nine were led away through the dock of Court 4 of the Royal Courts of Justice in London as supporters chanted 'we are unstoppable, another world is possible'. Smart announced her intention to go on hunger strike.

The Nine have been ordered to pay costs of £5,000 each - less than half the sum £91,307.92 sought by the claimant in the case. In the court's ruling, Dame Victoria Sharp said the sums claimed for 'advice from two QCs and four juniors in addition to brief fees for one QC and two junior counsel' were excessive. The judge added that it was not 'reasonable for three solicitors to attend the hearing', saying that 'the time spent by the claimant's solicitors on preparing the applications was somewhat greater than necessary given that the contempts were committed quite openly and given the relatively straightforward nature of the applications'. The costs order of £5,000 against each defendant, taken together with the custodial sentence imposed, is 'a proportionate interference with his or her rights under Articles 10 and 11 ECHR', Dame Victoria held. This was so having regard to 'the deliberate decision taken by each defendant to defy the order of the court, the harm caused by the breach and the important public interest in securing compliance with orders of the court, in preventing disorder and in protecting the rights and freedom of the public', she added.

### Compensation Paid to Former Prisoner for Gender Reassignment Discrimination

*Leigh Day Solicitors:* A transgender woman has received compensation from the Ministry of Justice following a prison's failure to accommodate her transgender needs. The former prisoner, who we have called Ms S, alleged that she had been indirectly discriminated against when an open prison failed to make arrangements to accommodate her transgender needs, to facilitate her transfer there. Ms S alleged that this failure had stunted her opportunities for sentence progression, including her reintegration into society, and had caused her to feel considerable frustration and anxiety. In May 2020, Ms S was located to a men's category C closed prison, when she was re-categorised to category D. Her re-categorisation meant she was considered to be lower risk and she was suitable for relocation to an open prison. Ms S requested a transfer to the open prison HMP Ford, in West Sussex, as it was located in the area that she intended to live after her release from prison.

However, in June 2020 Ms S was notified that she was not suitable for transfer to HMP Ford because prisoners there were required to use communal showering facilities, which were assumed not to be suitable for her. Ms S responded to say that she was content with those facilities, provided her privacy could be ensured. Nonetheless, and despite the Ministry of Justice's own staff querying why it could not be done, HMP Ford failed to explore and make arrangements to accommodate Ms S's transgender needs. In January 2021, Ms S was eventually transferred to a different open prison, which also had communal showering facilities, but which made arrangements to ensure her privacy. However, this was some eight months after she had been re-categorised to category D.

Ms S instructed the Leigh Day prison team to act for her in a claim alleging that her treatment by HMP Ford amounted to indirect discrimination under the Equality Act 2010, in which gender reassignment is a protected characteristic. The Ministry of Justice agreed to pay Ms S compensation to settle the claim following protracted pre-action correspondence. Ms S said: "The way that HMP Ford treated me caused me deep upset, distress and feelings of alienation. I brought this claim to shine a light on the way that I was treated, in the hope that this will mean, in future, other transgender people in prison are not caused to feel as I did. I am grateful to Leigh Day for their support, for taking my welfare seriously and for making me feel valued throughout."

Leigh Day prison team solicitor, Maya Grantham said: "The prison population is as varied as the general population and, clearly, one size does not fit all. Ms S's matter highlights the importance of prisons carefully considering what could and should be done to the regime to accommodate the needs of all their residents. A failure to do so will result in more cases like this one." Leigh Day's prison team has expertise in discrimination and upholding the rights of transgender people in prison. Please contact the team if you believe that you or someone you know has been subjected to discrimination in prison and you would like Leigh Day to investigate your potential claim.

### **'This Obscenity Must Now End': Peers Debate About IPPs**

Jon Robins, Justice Gap: Peers called on ministers to end 'the obscenity' of indeterminate sentences known as IPPs (imprisonment for public protection) in a debate about amendments to the Police, Crime, Sentencing and Courts Bill. The architect of the scheme, former New Labour Home Secretary Lord Blunkett, talked about the 'disaster' of the regime his government introduced in 2003 which has resulted in thousands of prisoners being locked up past tariff without hope despite IPPs being scrapped more than 10 years ago. 'Out of the 3,000 people who are still in prison on IPP, 1,300 of them are there because of recalls,' Blunkett told fellow peers. 'That is 100% up from 2016, five years ago. If we are not careful, that trajectory will lead to more prisoners being in prison on IPP on recall than are actually in prison for the original IPP sentence applied, which is a farcical situation and a tragedy for them.' In 2012 Kenneth Clarke, as justice secretary in the coalition government, scrapped IPPs. The former home secretary called the present position not only 'unequal and unjust' but 'immoral'. 'It is immoral because those individuals, who have already had their confidence and likelihood of being able to demonstrate their safety undermined, are further undermined by the conditions they found themselves in when they came out of prison,' he said.

There was cross-party support in yesterday's debate in the House of Lords for the amendments which included the release of IPP prisoners who had served more than the sentence for the offence unless it could be demonstrated that they posed a risk to the public. The Tory peer and former solicitor general Lord Garnier called for immediate action. 'This obscenity must now end,' he said. Similarly the cross bench peer and barrister Lord Pannick said that the Government have had 'years to think about the options and to consider what to do' and asked what the present

government intended to do to 'address a manifest injustice'. It was the cross bench peer Lord Brown who described IPPs as 'the greatest single stain on the justice system'. 'Indeed, it is a deeper, growing stain because of the situation with the recalls,' he told peers.

David Blunkett fully acknowledged his government's failure and his own 'culpability'. He explained that the intention was that there would be support for prisoners to provide safety for the public and rehabilitation. 'Both those elements went badly wrong with the IPP sentence,' he continued. He admitted that the government 'had not fully agreed with the Treasury' resources for those who needed rehabilitation nor that 'cautious members of the judiciary would take a "safety first" view' in choosing the indeterminate sentence over the determinate one. 'This situation cannot go on,' the Labour peer said. 'We have to do something for the sake of the individuals and their families, and for the safety of the community, because the longer they are in prison on a suspended animation sentence or on licence, the more likely they are to find themselves unable to rehabilitate and live a normal life. When that happens, they are more likely to commit a crime. I got it wrong. The Government now have the chance to get it right. I beg to move.' Peers paid tribute to campaigners including Donna Mooney and Shirley Debono who were involved in setting up the UNGRIPP campaign, as well as Frances Crook, formerly of the Howard League for Penal Reform, and the Prison Reform Trust (PRT).

Lord Falconer of Thoroton, shadow justice minister and former Lord Chancellor, quoted from a recent PRT report which drew on interviews with 31 recalled IPP prisoners. The report found that IPP prisoners' life chances and mental health were 'fundamentally damaged by the uniquely unjust sentence they are serving'. 'Arrangements for their support in the community after release did not match the depth of the challenge they faced in rebuilding their lives outside prison,' it continued. 'Risk management plans drawn up before release all too often turned out to be unrealistic or inadequately supported after release, leading to recall sometimes within a few weeks of leaving prison, and for some people on multiple occasions. The process of recall also generated strong perceptions of unfairness.' At its worst, the report found that the system recalled people to 'indefinite custody for what appeared comparatively trivial matters'.

Lord Wolfson of Tredegar, a justice minister, appeared to dismiss the proposed amendments. He said that IPPs was not an issue 'which admits of easy analysis... it is something of a puzzle, which requires looking at carefully and solving'. He argued that the change proposed would not make much difference 'because the Parole Board would still have to undertake an assessment of risk of harm and reoffending to make a judgment on whether the risk could be managed effectively in the community'. The minister continued: 'We believe that terminating their licence automatically, without any consideration by the Parole Board, would present an unacceptable risk to the public, and for that reason we do not propose to accept that amendment as drafted.' The minister said that there were 'certainly problems with the current system; we are looking at it.'

### **Policy Exchange Report Linking Drill Music To Violence 'Inaccurate' and 'Misleading'**

Udit Mahalingam, Justice Gap: A coalition of academics and experts have denounced as 'baseless' a controversial report linking drill music with violent crime and the 'legitimisation of gang culture' in London. Some 49 criminologists from academic institutions and non-governmental organisations across the UK have signed an open letter describing the findings of the Policy Exchange report as 'factually inaccurate, misleading and politically dangerous'.

The report (Knife Crime in the Capital) claims to 'try and help break the dangerous logjam in the debate on policing, stop and search, and knife crime'. Drawing on 'open-source data'

related to gang-related homicides in London, the report noted that ‘at least 80%’ of victims and perpetrators were of black and minority ethnic origin and argued that ‘at least 37% of cases were directly linked to drill music in 2018 and 23% in 2019’.

The report highlighted failures on the part of the Metropolitan Police to implement ‘key approaches’ whilst tackling drill-motivated violent crime, including ‘suppression, targeting high-profile criminals and gang members, and neighbourhood policing’. The Policy Exchange report also criticised ‘actions by social media companies’, multinational corporations, and ‘cultural institutions’ for fostering a ‘naïve social acceptance of gang culture’ by desensitising ‘some genres of music’ that ‘have been associated with violent crime’, such as drill music.

Dr Lambros Fatsis, a senior lecturer in criminology at the University of Brighton, and a signatory to the open letter, lambasted the report for relying on ‘shaky evidence’, ‘falsehoods and misrepresentations’ based on racially insensitive stereotypes. Dr Fatsis also criticised the report for ignoring ‘decades of criminological research’ on the ‘discriminatory and ineffective’ use of stop-and-search powers by the police on ‘young black men’ in the UK. Whilst the Policy Exchange report acknowledged the damaging potential of ‘suppressive’ crime prevention measures used by the Metropolitan Police, such as stop-and-search procedures, it ultimately identified the ‘real injustice’ as being ‘the disproportionate way young black men are victims of crime’ rather than of ‘police tactics’.

### **British Transport Police - Rotten Through and Through**

*Rosie Wild, IRR: “Rot at the Core”*, a book about corruption and racism in the British Transport Police calls into question the validity of the recent apology from its current Chief Constable. Last week the Chief Constable of the British Transport Police (BTP), Lucy D’Orsi, made a formal apology to the British African community for both its history of systemic racism and the egregious corruption of former BTP officer Derek Ridgewell. D’Orsi sought to paint the racism of the British Transport Police as belonging firmly to the past, but a June 2021 freedom of information request showed the BTP was still six times more likely to use force against Black people than white people. Copious historical evidence of the widespread racism of the British Transport Police, as well as endemic corruption is given in Winston Trew’s and Graham Satchwell’s book *Rot At The Core: the Serious Crimes of a Detective Sergeant*, published by The History Press. An unusual collaboration – Winston Trew is a former Black Power activist and one of the ‘Oval Four’ and Graham Satchwell a former BTP detective – the book examines the egregious corruption of Det. Sergeant Derek Ridgewell and its impact on the lives of two of his victims, Winston Trew and Stephen Simmons. Ridgewell died in prison in 1982, after being convicted of conspiracy to steal mail bags from the railway depot he was supposed to protect, but not before he had ‘fitted up’ at least 16 young black and three white men, 12 of whom were sent to prison. Since 2018, the Court of Appeal has quashed the convictions of Stephen Simmons, the ‘Oval 4’ and three of the ‘Stockwell 6’, with another member’s, Texo Johnson, appeal is due to begin on the 23rd November. Four of Ridgewell’s other known victims have either died or cannot be traced to clear their name.

*Rot At The Core* is divided into two. The first half, written by Graham Satchwell gives an insider’s perspective on the culture of ‘permitted corruption’ in the BTP from the 1970s to the 1990s. The second half is a moving autobiographical account of Winston Trew’s experiences of growing up black in 1950s and 1960s Britain, the disastrous impact of encountering Derek Ridgewell at the Oval tube station in March 1972 and his later attempts to rebuild his life and seek justice. A former Black Power activist with the Fasimbas in South London, Trew has written about his encounter with Ridgewell before, both in his fascinating 2015 book *Black For A Cause ... Not Just Because* and more

recently in an article ‘Frantz Fanon and the oval four episode: refusing colonial recognition’ in *International Politics Reviews*. In *Rot At The Core* he gives more background about his childhood experiences of British racism, initially from a white boy who wordlessly punched him the eye on his first day at primary school and later from his teachers, local white gangs and of course the police.

Finding an identity and sense of purpose in the Fasimbas, which he joined in July 1970, Winston’s commitment to the group’s ‘philosophy of self-help, self-development and education’ was brutally interrupted by his encounter with DS Ridgewell at the Oval tube station on 16 March 1972. Returning from a meeting of the Black Liberation Front with a bag of donated children’s colouring books for a supplementary school the Fasimbas ran, Trew was assaulted and choked by an undercover police officer who hadn’t identified himself, before being beaten up on the way to the police station, attacked within it and forced to sign a false confession. Trew paints a powerful picture of the intense sense of disorientation caused by being violently coerced to confess to completely fictitious crimes. That Ridgewell could so easily target young black men on the tube to be fitted up, relied on the highly racialised nature of the crimes of ‘sus’ (being a suspected person) and ‘mugging’ (theft from the person) and that police witness evidence alone was enough to win a conviction. With Black people still twice as likely to be the target of a Section 60 stop and search and three times more likely to be arrested, this avenue for corrupt officers to target black people as an easy source of convictions is still wide open.

How Ridgewell not only got away with his corrupt behaviour, aided and abetted by fellow officers, but was protected and indeed promoted by a network of more senior policemen who never faced sanction, is clearly told by detective Graham Satchwell, who also attests to the corrupting force of racism: ‘What we can be sure of, is that once [Ridgewell] had the reputation of fitting up young black men, he would have attracted the willing involvement of racist officers and there were plenty of those.’ For, as Satchwell asserts, ‘the Steve Simmons and Winston Trew cases were not aberrations, they were simply typical victims of the many officers who were out of control, and whose crimes were covered up by bosses’ and that ‘in large cities and towns, police corruption was a part of the working practice of many’.

Ridgewell’s corruption was apparently well known to colleagues in the BTP. It was also strongly suspected by the magistrates and judge who severely criticised his evidence in the case of the Waterloo Four in February 1972 and halted the trial of the Tottenham Court Road Two in January 1973. In fact so flagrant was Ridgewell’s corruption that in 1973 the National Council for Civil Liberties (now Liberty) asked the Home Secretary to order an investigation and on 31 July 1973 an episode of BBC TV programme *Cause for Concern* was devoted to the improbability of his evidence. And yet Ridgewell never faced any sanction from the British Transport Police, only changing role in 1973 to a better position at the Bricklayers Arms railway depot, where he subsequently fitted up Stephen Simmons and his two friends in 1975. And when his thieving from the Bricklayers Arms depot was eventually detected in 1978, a cursory and poorly supported investigation led to the conviction of only him and two junior colleagues.

Once Ridgewell was convicted of mail bag theft in 1980 he was swiftly written off as a bad apple now safely removed from the barrel, and there was no need to ask any tricky questions of colleagues and supervisors about how he operated corruptly for so long and certainly no need to revisit his past actions to look for any more criminality. As Ridgewell famously explained, he “just went bent”, so no further explanation was necessary. And herein lies the problem with the BTP’s apology of last week, which characterises Ridgewell’s egregious corruption and the systemic racism that enabled him as a relic of the past. It is all very well

to 'regret that we did not act sooner to end his criminalisation of British Africans, which led to the conviction of innocent people' and lament the 'trauma caused to the British African community by a corrupt BTP officer, whose misuse of his powers caused harm not only to the innocent young people criminalised, but also to their families and community'. But where is the promise of an inquiry into all Ridgewell's cases to see which other people's lives he may have ruined? Where is an inquiry into why no action was ever taken to discipline him prior to his 1978 arrest? Instead, D'Orsi proffers the hackneyed palliatives of anti-racism training, a more inclusive police force and maybe even the sponsorship of a criminology bursary for a person of African descent. Winston Trew's fight for justice to clear his name has taken his entire adult life. A British Transport Police force that was free from rot at the core would not have allowed him to wait so long.

### **US Woman Who Has Lived in UK for 53 Years Wins Deportation Appeal**

Diane Taylor, Guardian: A 75-year-old American woman who uses a Zimmer frame and is unable to digest solid food has won her appeal to remain in the UK after living here for 53 years. The Home Office attempted to deport Polly Gordon after she served a 12-month sentence for supply of a controlled drug. She was convicted of the offence in July 2019 at Edinburgh sheriff's court. According to a judgment in the immigration tribunal, she has a past history of substance abuse and addiction to alcohol. Gordon first appealed against the Home Office's plans to deport her to America, a country she has not lived in since her early 20s, to the first tier tribunal of the immigration court.

The judge there accepted that Gordon was frail with limited mobility and had a range of health problems including atrial fibrillation, colitis, difficulty consuming solid food, and had recently suffered from shingles. He said: "I presume that given her age and infirmity she will feel the impact of leaving her home country of the last five decades more than most." He also accepted that she would not be able to access US government healthcare programmes as she had lived outside the country of her birth for more than five decades. He said her risk of reoffending was "relatively low (but not trivial)". However, in his judgment he agreed with the Home Office that she should be deported.

Gordon appealed further to the upper tribunal in the immigration court where three senior judges found in her favour, allowing her to remain in the UK after finding that the first judge made an error in law in the way he calculated her prison sentence. The upper tribunal judges found that Gordon, who was granted indefinite leave to remain in the UK in 1977, had been lawfully resident in the UK for most of her life and was socially and culturally integrated into life in the UK. They accepted her offence was at the lower end of the scale of offending. Since her first appeal Gordon's health has deteriorated further after she fractured her knee in a fall and spent six weeks in hospital in March and April. She has needed to use a walking frame and has to rely on friends to help her with her shopping. The judges found that to deport Gordon would disproportionately interfere with her human rights and ruled that she should be allowed to remain in the UK.

Karen Doyle, of the organisation Movement For Justice, condemned the Home Office plans to deport Gordon. "There's nothing that illustrates more starkly the inhumanity of the Home Office than their plans to put an elderly and infirm woman on a plane to a country she hasn't lived in since the 1960s," she said. "People like her are viewed as low-hanging fruit by the Home Office. This is exactly how the Windrush generation were viewed." A Home Office spokesperson said: "We do not comment on individual cases." Home Office sources said officials accepted the court's ruling, and that since January 2019 8,441 foreign national offenders had been removed from the UK.

### **Newly Released Offenders Banned from Consuming Alcohol**

Offenders released from prison face being banned from drinking from today (17 November 2021) under world-first plans to curb alcohol-fuelled crime. \*offenders known to reoffend after drinking will face alcohol bans \*sobriety will be enforced with alcohol monitoring tags worn for up to a year \*offenders with an alcohol ban on community sentences have stayed sober on 97 percent of the days they were tagged \*world-first move designed to cut booze-fuelled crime which costs society £21 billion a year For the first time, serious and prolific offenders will be tagged with devices which monitor alcohol levels in sweat if their probation officer thinks they will be more likely to reoffend when drinking.

The tag will help probation officers keep a closer eye on offenders' behaviour and support them to turn their backs on crime. It will also provide offenders with the incentive to break bad habits as breaching the ban could see them back in prison. Alcohol plays a part in 39 per cent of all violent crime in the UK and roughly 20 per cent of offenders supervised by the Probation Service are classed as having an alcohol problem. Around 12,000 offenders will wear such a tag over the next 3 years. Offenders with an alcohol ban on community sentences have stayed sober on 97 percent of the days they were tagged and it is expected to have a significant impact on prison leavers' drinking habits.

Deputy Prime Minister, Justice Secretary and Lord Chancellor, Dominic Raab MP said: "This innovative technology has been successful in policing community sentences with offenders complying over 97 percent of the time. Rolling the tags out further will help cut alcohol-fuelled crime, which causes untold misery for victims and lands society with a £21 billion bill each year. Offenders now have a clear choice. If they don't work with probation staff to curb their drinking and change their ways, they face being sent back to jail."

From 17 November 2021, as part of a national roll-out, the tags will be used on offenders coming out of prison under Probation Service supervision in Wales, and the scheme will be applied in England next summer. Offenders will either have a licence condition which requires them to go teetotal for up to a year or have their drinking levels monitored because their risk of reoffending increases after heavy consumption. Alcohol tags have been available for judges and magistrates to hand down to offenders serving community sentences since last October.

The move is part of the government's plan to tackle and cut crime, expanding the use of innovative technology like tags to protect the public and drive down reoffending. Earlier this year, the government launched another world-first, using GPS tags to track prolific robbers, thieves and burglars. Around 10,000 such offenders are expected to be tagged over the next 3 years to stop them reoffending and help police catch them if they carry on. In total, an extra £183 million is being invested in the next 3 years to almost double the number of people tagged at any one time from around 13,500 this year to approximately 25,000 by 2025.

### **Inmates Leaving Largest Women's Prison Nowhere Safe To Go**

*Dami Ojuri, Justice Gap:* More than three-quarters of prisoners leaving the largest women's prison in Europe were released without safe and secure accommodation. The latest report by the Independent Monitoring Board (IMB) into HMP Bronzefield Prison, a privately-run prison in Surrey run by Sodexo Justice Services, calls on the government to take 'urgent action' to address the lack of an accommodation service previously provided by homelessness charity, St Mungos. Five years ago it was revealed that women had been given tents and sleeping bags on their release

because they had nowhere to live. The IMB found that the removal of the service resulted in a record number of prisoners (77%) being released without safe and secure accommodation which was up from 60% last year. St Mungos left when the contract for the community rehabilitation company (CRC) ended in June this year. The watchdog also directed a question toward Sadiq Khan asking what the London Mayor's office for policing and crime had done in the last year to increase the availability of accommodation for those women who leave prison with no fixed abode.

The IMB reported a steep increase in self-harm incidents every month. The findings showed an average of 220 incidents per month, with 371 incidents in June 2021 alone. Severe Covid-19 restrictions reportedly 'compromised the ability to treat women fairly and humanely', instead prisons were used as 'a place of safety' for severely mentally ill women. These women, the report found, put 'severe pressure' on the healthcare unit and residential houseblock. IMB Bronzefield chair Alison Keightley said that there were 'an unacceptably large number of women' leave Bronzefield without safe and secure housing, particularly those released into London. 'This number has increased since the restructuring of probation services reduced access to in-prison specialist advice,' she continued. 'It exposes women to unnecessary risks, increases the chance of reoffending, and urgently needs to be addressed.' Bronzefield made headlines recently following the death of a newborn baby within its walls after an 18-year-old inmate gave birth alone in her cell; and in 2016, it was revealed that prison-leavers were given sleeping bags and tents upon release because they had no where to live.

'The findings of this report are utterly shameful, exposing just how many vulnerable women are being set up to fail,' commented John Plummer of the Safe Homes for Women Leaving Prison initiative. 'Despite the fact that the Ministry of Justice has repeatedly claimed that it understands the importance of providing safe housing for women leaving prison to prevent further abuse, exploitation or reoffending, it appears that the situation has gotten worse and not better. It is a stark reminder that warm words from the Government are simply not enough, we need action now in order to stop the preventable crisis of women leaving prison to homelessness.'

### **Secretary of State for Justice Wants Prisoners to Have Internet Access in Cells**

*Bilan Cali, Justice Gap:* Dominic Raab, Secretary of State for Justice, wants prisoners to have internet access in their cells to allow them to become 'masters of their own destiny'. Speaking to the Daily Telegraph, the justice secretary said: 'I would want a presumption that rather than just sitting back in their bunk ... waiting for release to hit them, offenders in their cell can take advantage of technology to take a bit of control and responsibility for their life. To be masters of their own destiny, even in the institutional setting of a prison, and start preparing themselves.' Raab said that there would be clear restrictions on what could be accessed and prisoners considered high risk would not have access. The comments raised hope amongst prison education providers, charities and campaigners who have been campaigning for in-prison technology. 'If you think of the four or five strands of rehabilitation and reform of offenders, getting them off drugs, some of that treatment can be done online,' Raab said. 'Mental health support can be done online. Skills can be done online. Applying for jobs can be done online. Staying in contact with loved ones in a more regular way can be done online.' Raab also outlined plans for prisoners to have 'passports' where they will be expected to amass 'stamps' for skills they learn and training they complete as well as keeping a record of how they maintain family contacts and whether they have stable accommodation to go to on release.

According to the Charles Hymas writing for the Telegraph, it is an idea he has brought to the MoJ which is 'now being worked up by officials' for a Prison white paper. 'It means offenders will receive

"digital backpacks" from the point they enter prison providing what Mr Raab describes as a "passport for reentry into society with all the things that they need to notch up, the stamps if you like, to make that work.' The interview was conducted at the £170m new-build Glen Parva prison in Leicester and one of six jails in the government's £4 billion prison-building programme to provide 18,000 extra places by the mid-2020s. This will cope with the 'expected surge in criminals' being jailed as a result of police officers recruited to make up for the cuts imposed by the Coalition government as well as the raft of longer sentences proposed by the present administration. 'The cells – lighter and airier due to the bigger windows – look more like student rooms and are set in a campus-style lay-out with wider corridors in the blocks to minimise the confrontations which can happen when prisoners pass each other on the narrow terraced walkways of a Victorian jail,' Hymas reported. The prison will be 'a testbed' for Raab's plans to 'open up the prison "workforce" to employers'. 'Frankly, it ought to work as in any other workforce which is that there's a pool of labour there, those that are able and willing and security-vetted, and you give employers access to them,' Raab said.

### **Wrongful Conviction of Kieron Hoddinott**

[In October 2020 the Officer in Charge of Kieron's case was dismissed for gross misconduct of a sexual nature with a vulnerable witness in another case and for not recording the investigation. (Report of his immediate dismissal from Kent Police, <https://rb.gy/pqxnea> )

Kieron Hoddinott, was convicted on 17th October 2017 - received a 15 year sentence for allegedly raping and seriously sexually assaulting his estranged partner, who is the mother of his younger daughter.

- 1) The complainant made her 1st allegation of sexual abuse after she and Kieron had a heated discussion about his rights to have contact with their daughter.
- 2) Her best friend, at that time a paralegal for South East Rape and Serious Sexual Offences division of the Crown Prosecution Service (CPS), persuaded her to contact Kent Police to make the allegation.
- 3) Several days later, after consultation with her friend, the complainant made more allegations to Kent Police
- 4) No tangible evidence to determine Kieron Hoddinott's innocence was sought by Kent Police.
- 5) Text message conversations between Kieron and the complainant were provided to CPS by the Officer in Charge, Jonathan Pearce. (Now ex-officer Jonathan Pearce) However, vital messages to show that Kieron wanted formal visiting rights to his daughter and, also, that the complainant ridiculed his salary as insufficient for her needs were not exhibited.
- 6) The whereabouts of the download of the complainant's mobile 'phone has not been ascertained. This download would provide vital information about the true character of the complainant and her conversations about removing Kieron from her life
- 7) Kent Police have stated that MG6D file (Non-Sensitive Material) was not used in the investigation of Kieron's case. Officer in Charge testified that all data on handsets and SIM cards of devices from complainant and defendant was available to Kent Police. Respondent's Notice by CPS. states that the missing download is listed on MG6C file (unused material) but, although there is evidence of a submission form, albeit with an incorrect reference number, there is no listing of the 'phone download. Key Exhibits list records text messages from suspect's 'phone plus some unattributable screenshots from the complainant's old device, which she emailed to Officer in Charge of the case. CPS. have stated that the download of the complainant's 'phone is sensitive material and not to be disclosed to the Defence Team. The necessity for proof of the existence of this download went unanswered during the Appeal process with a response that Kieron's 'phone appeared to have been downloaded in the conventional sense.
- 8) The witness statements (MG11) of the complainant and her witness differ as do their testimonies and this was dismissed as inconsequential during the Appeal process.

9) During trial, the jury was sent out by the Trial Judge Martin Joy, on more than one occasion because the prosecution "witness" kept adducing inadmissible evidence. However, the jury was not discharged and a retrial ordered.

10) The complainant, during a break in her cross-examination, emailed the Officer in Charge and, having looked at her 'phone data, provided a date for one of her allegations. Prosecution Counsel asked the Jury to add this date to their notes. Post conviction, Kieron provided an alibi from his employers. Subsequently, CPS stated that this was possibly not the date provided by the complainant during trial. The response in refusing leave to appeal, was that the complainant was at liberty to change the date if a mistake had been made at Court.

11) With reference to the date, which was provided by the complainant during trial, Prosecution Counsel advised Trial Judge that Kieron has been cross-examined on evidence that was not in the Digital Case System (DCS) and that this could lead to "other issues".

12) In October 2020 the Officer in Charge of Kieron's case was dismissed for gross misconduct of a sexual nature with a vulnerable witness in another case and for not recording the investigation. (Report of his immediate dismissal from Kent Police, <https://rb.gy/pqxnea>) Upon learning this news, Kieron's former partner and mother of his older daughter revealed that ex-officer Pearce had contacted her via telephone to take a character witness statement about Kieron. He then attempted to make contact with her on Facebook but deleted his messages when she did not respond to him. This telephone call was 8 months after Kieron had been charged with the offences, although Kieron had put her name forward as a person to be contacted during his second police interview. Ex-officer Pearce transcribed her statement in his handwriting on a scrap of paper and e-mailed her to say that he had submitted it to CPS. Defence solicitors have confirmed that this character witness statement was not included in served material nor unused material. In indictable only cases, cases which are likely to be deemed not suitable for summary trial and cases in which the defendant elects trial in the Crown Court, the Non-Sensitive Schedule (MG6C) must be completed along with the MG6D.

13) Attempts to appeal conviction: Data for points of appeal were composed mainly by Kieron's twin brother, after discussions with Kieron. Letter requesting leave to appeal sent 06/11/17, refused. Further effort to CoA 09/08/19 Single Judge Mr. Justice Edis refused to grant leave to appeal. At this point in appeal process, a barrister, was paid a substantial amount by Kieron's family to review the case and to write a perfective letter to Full Court. However, the barrister decided after a lengthy interval that there were no grounds for appeal and that he would not write the letter but that he would still keep the fee! A letter was hurriedly composed by the family and sent 25/01/20. 11/02/20 Decision received from Full Court hearing. Mr. Justice Chamberlain refused to grant leave to appeal, Justice Edis also sat in on the appeal.

Kieron Hoddinott (A150 7EC), The Verne, Portland, Dorset, DT5 1EQ

### **Prisons Don't Meet Needs of Elderly Residents'**

Inside Time: A report by two charities has concluded that prisons need to do more to support elderly prisoners. Researchers from Recoop and Clinks questioned 136 over-50s held at seven English prisons about whether their needs were being met. They concluded that "A prison is a particularly difficult place in which to be old". The 45-page report, published last week, found shortcomings in the physical structure of prison buildings and in the provision of healthcare, activities and resettlement support. It said: "The physical environment and regimes are not designed with mobility issues in mind. There is often no storage space for mobility aids; stairs are difficult to navigate and there are times when some people have had to choose between getting their medication or lunch as the

amount of time out of cell does not allow adequate time for them to do both." There are 13,000 over-50s in prison in England and Wales, accounting for one in six of all prisoners. Of these, 315 are over 80. The charities hope their ideas will feature in an Older Offender Strategy being drawn up by the Ministry of Justice. Among the findings of the report were that prison buildings, especially those dating from the Victorian era, were often unsuitable for elderly residents, particularly those with mobility problems or needing a wheelchair to get around. Prisoners told the researchers there was a shortage of adapted cells, top bunks were used inappropriately for elderly prisoners, and people faced long waits to get wheelchairs or walking frames. A majority of the over-50s surveyed said they would rather be housed among other people their own age, and the report recommended that every prison should have a wing dedicated to older prisoners as well as a dedicated member of staff devoted to ensuring the needs of older prisoners are met. Some of the prisoners surveyed praised their jails for providing activities including day centres for elderly residents and special gym sessions for older users, although such activities were curtailed during the Covid pandemic. However, more than half of those asked said activity for older prisoners at their jail was generally poor. Education curriculums were seen as not being attractive to older prisoners because they tended to focus on qualifications designed to get people into employment.

### **Fourth Member of Stockwell Six Has Conviction Quashed 50 Years After Arrest**

Guardian: A fourth member of the so-called Stockwell Six, a group of friends accused of trying to rob a corrupt police officer nearly 50 years ago, has had his conviction quashed by the court of appeal. Texo Johnson, now 67, was with five other young black men who were all arrested on the London underground while on a night out on 18 February 1972. The group, who became known as the Stockwell Six, were accused of trying to rob the British Transport Police officer DS Derek Ridgewell and were put on trial at the Old Bailey largely on his word. All six pleaded not guilty, but all except one were convicted and sent to jail or borstal, despite telling jurors that police officers had lied and subjected them to violence and threats.

CCRC, which investigates miscarriages of justice, referred Johnson's conviction for assault with intent to rob to the court of appeal after judges cleared the names of three of his friends earlier this year. Courtney Harriot, Paul Green and Cleveland Davidson, now in their late 60s, had their convictions ruled unsafe by the court in July. Johnson, who now lives in the US, was cleared by the court of appeal at a hearing in London on Tuesday 23rd November 2021. Sir Julian Flaux, sitting with Lord Justice Dingemans and Lady Justice Andrews, said it was "most unfortunate that it has taken nearly 50 years to rectify the injustice suffered". In 1972, Ridgewell, who was wearing plainclothes, claimed the group of young men, who boarded the train at Stockwell station in south London, attempted to rob him before he fought back and arrested them with a team of undercover officers.

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habib, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan