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Parole Reforms See Fewer People Getting Chance to Prepare For Release

Prison Reform Trust: Nearly three months after we asked for them, the Ministry of Justice has still not released any statistics about the impact of the changes Dominic Raab ordered on parole — in particular the change in criteria for people to get to open conditions. But the Parole Board promptly answered a letter we sent them asking for any numbers they could provide. What those numbers show is shocking. Until the change to Parole Board directions on 6 June, 94% of recommendations by the board that someone should progress to an open prison were accepted by the ministry. Since 6 June, 87% of such recommendations have been rejected.

We have gone from a system where the vast majority of decisions were effectively taken by a panel of three independent experts considering a full parole dossier and hearing evidence in person, to a system where an anonymous official in an office in Whitehall simply says no in nearly nine out of 10 cases. It's shocking but not unexpected. This is what Dominic Raab wanted to achieve, setting tests for progression to open which he could interpret any way he liked. But it's profoundly unfair and, crucially, works against the goal of public protection which he claims to have been the motivation for the changes. If more people come to be released directly from closed conditions, with less opportunity to acclimatise to life outside prison, and with less opportunity to get used to a high level of trust being placed in them, it will make it harder for people to succeed on release. Far from reducing risk, this approach increases it.

The Parole Board's letter also included statistics about the number of positive release decisions. These decisions continue to be made by the board, not ministers — at least for now. It's not clear why, but the number of release decisions has fallen this year. That may just be about the throughput of cases overall. But it's likely that the exclusion of people from open prisons will lead to fewer release decisions in due course. We calculate that the drop in release decisions described by the Parole Board already represents a requirement for 1,000 additional prison cells — over and above the ministry's current projections.

We've written to the new justice secretary highlighting the figures and asking him to meet us to discuss how he could adjust his predecessor's approach. Baroness Prashar — a former Chair of the Parole Board will lead a debate asking new ministers to think again about the changes Dominic Raab introduced. These numbers show that the need to do so is urgent — the progression of hundreds of people is being needlessly interrupted. It's a self-defeating and unfair policy.

How Much Influence Does the Media Have Over the 'Hostile Environment'?

Freemovement: One month into the job, it's clear that Suella Braverman is good at making the headlines. However, some of her rhetoric may seem familiar. The government's 'Hostile Environment' policy is well-rehearsed and the media has played a significant and long-term role in developing the rhetoric that we see today. It is undoubtedly being used as a political tool to promote the 'Hostile Environment' dialogue we have grown so accustomed to. But how is this affecting public opinion, or the choices of those looking to travel to the UK as a migrant or refugee?

Where did it all begin? The Windrush scandal is a startling example of the hostile environment, dating back to the 1940s. Arguably, anti-immigration sentiment has been increasing

since this time. The hostile and racist sentiment is further reflected in the common media portrayal of the migrant as a criminal or terrorist. There is a poor understanding of the distinction between refugees and migrants and, in reality, there should be little difference in how the two groups are treated. With both groups, racial and cultural differences are quickly inflamed and exploited by the media. There should be recognition in the media, and by extension, the public, that the standard refugee is not necessarily a criminal or a terrorist, and that the standard migrant is not necessarily stealing someone's job or failing to integrate into society.

"Hostile Environment" This term is used to describe all policies which make life difficult for migrants living in the UK - treating them as less deserving of dignity and humanity than British citizens. More specifically, it is a set of policies introduced in 2012 by then-Home Secretary Theresa May, with the aim of making life unbearably difficult in the UK for those who cannot show the right paperwork. Or, as she said at the time; "The aim is to create, here in Britain, a really hostile environment for illegal immigrants."

Only One in 10 Applicants to Miscarriage of Justice Watchdog has Lawyer

Jon Robins, Justice Gap: The miscarriage of justice watchdog referred 26 cases to the Court of Appeal last year including eight of which related to the Post Office Horizon scandal. The Criminal Cases Review Commission (CCRC), which marks its 25th anniversary this evening at event in the House of Commons, reports that it has on average referred 32 cases a year since it launched in 1997. Five years ago the number of referrals crashed dramatically to just 12 referrals leading to concerns about the watchdog's performance and a parliamentary investigation calling on the body to be bolder.

In its latest annual report the CCRC reports that it has made 18 'non-Post Office' referrals last year compared to the 19 such referrals in 2020/21 when the CCRC referred a bumper number of cases, 71, however the vast majority (51) came from the Horizon debacle and a further six related to a second single case (Shrewsbury 24) that had been initially rejected by the CCRC. The CCRC claimed that 'more than one miscarriage of justice overturned every week this year' on the basis that 57 referrals for both convictions and sentences were successful.

'No system is foolproof and there will always be errors in criminal justice, so we encourage anybody who has new evidence casting doubt on their conviction to apply for our free investigation service,' said CCRC Chairman Helen Pitcher OBE. 'We anticipate that post-pandemic our applications will increase, due to pent-up demand in prisons, greater activity through the criminal courts and the longer-term plan for more police officers and more prison spaces.'

The number of applications to the CCRC has dropped significantly — it received 1,198 applications last year and 1,142 applications the year before — down from an average of 1,400 a year. Most CCRC referrals relate to convictions for serious offences, including rape and other crimes of violence. Murder alone accounts for more than one in five of all referrals (22%). The report highlights a lack of support for applicants from lawyers — only one in 10 applicants was legally represented. According to the CCRC, the proportion of unrepresented applicants has climbed to around 90% from an historical average closer to 70%. 'Many of the most significant and high-profile miscarriages of justice cases in recent decades have been resolved by way of our referrals for appeal,' said the CCRC. 'However, historically, most of our referrals have a minimal public profile and have received limited interest from the media or from miscarriage of justice campaigners.'

The All Party-Parliamentary Group on Miscarriages of Justice commissioned the inquiry into the CCRC, known as the Westminster Commission, flagged concerns that the watchdog's independence had been undermined by the government 'unlawful interference' — specifically

over changes in tenure to commissioners who have been moved salaried jobs to minimum one-day-a-week contracts. The Westminster Commission heard that the overall level of commissioner resource fell from 8.8 full time equivalent posts in 2014 to just two and a half by 2019. The CCRC defended its position insisting that fee-paid commissioner role meant 'we can attract a really high calibre of candidates'. 'The ability to flex up days offered to the CCRC to match the fluctuations in our workload also ensures greater efficiency of our operations. It has also had a positive impact on diversity,' the report said.

The Birmingham-based group has also moved premises to smaller 'office hub' and introduced a 'remote-first' policy meaning that staff, including case review managers, work from home. Critics of the CCRC have long highlighted 'cultural problems' at the CCRC including the criticism that case review managers are 'deskbound', reluctant to leave desks and investigate cases, and now query whether homeworking will improve the quality of their investigations especially when overseen by part-time commissioners.

HMP Swansea Contributed to the Self-Inflicted Death of Robert Lee Evans

Shanthi Sivakumaran, DSC: An inquest into the death of Robert Lee Evans concluded on Thursday 13 October 2022 after the Jury found serious failures by prison and healthcare staff at HMP Swansea probably contributed to his death. Assistant Coroner Kirsten Heavens issued a prevention of future deaths report as she had serious concerns that further avoidable deaths could happen if preventative action is not taken. Lee's family was represented by Shanthi Sivakumaran of Doughty Street Chambers. She was instructed by David Pearson of Broudie Jackson Canter. Lee was a much loved member of the family. His mother, siblings and aunt attended the Inquest at Swansea Coroner's Court. Lee had a long history of anxiety and depression and alcohol addiction. Two days before his death, he had been recalled on licence after two weeks in the community. The Jury heard that when he was returned to HMP Swansea.

An ACCT was not opened although there were several risk factors and triggers present to raise concerns about Lee; Lee was provided medication for alcohol withdrawal by Nurses under a patient group directive and a formal prescription was not issued; Lee was not prescribed medication for his anxiety and depression that he had been receiving regularly in prison before his release two weeks before; Lee was placed in a cell alone on his request. The cell had bars on the window which were known ligature points. On the night that Lee died, Lee was locked in his cell from 16:30 until he was found at after midnight. No checks had been carried out on Lee during that period of time.

Lee returned to HMP Swansea on 12 January 2018. The next day he was seen on CCTV speaking animatedly to Prison Officers following a visit to the medical hatch. The Prison Officers did not respond to Lee and soon after he was seen on CCTV posting a letter. The letter, found after his death, had a note that he believed his medication had been stopped. Lee was locked up in his cell at around 16:30 the same day. He was found soon after midnight having tied a ligature from the bars of the window in his cell. No checks had been carried out on Lee between 16:30 until he was found after midnight.

The Jury concluded that: the prison staff failed to adequately assess Lee's risk of suicide and self-harm and the prison staff and healthcare staff failed to take appropriate steps to safeguard Lee while he was in prison custody by not opening an ACCT and communicating information about his prescription to him; The Prison did not have an adequate system of checks in place for Lee in light of the fact that he was undergoing alcohol detoxification and on the

induction wing in the early days of prison; The Doctor responsible for Lee's healthcare failed to properly review Lee's medical notes and prescribe him anti-depressant medication; failed to properly prescribe lee detoxification medication

The Jury concluded that the systems and processes in place at HMP Swansea probably contributed to the failure of the healthcare staff in reviewing all the records. On 4 January 2018, 9 days before Lee died, HM Inspectorate of Prisons published a strongly critical report condemning HMP Swansea's 'complacent and inexcusable' approach to the safety of vulnerable prisoners and failing to respond effectively to high levels of self-harm and suicides of new prisoners.[1] HM Inspectorate of Prisons reported that there had been four self-inflicted deaths in HMP Swansea within a week of arriving. The next report by HM Inspectorate of Prisons issued in 2020 found that there had been two further self-inflicted deaths since the last inspection. Assistant Coroner Kirsten Heavens issued a prevention of further deaths report as she was concerned from evidence she heard that a future death was possible. Her concerns were:

Lee had suspended himself from bars of a window in the induction unit. The early days of prison were a recognised high risk time for prisoners and steps had not been taken to cover the bars of the windows in the induction unit despite this risk. The two prison officers who Lee spoke to shortly before he wrote his note claimed they had never met Lee. The officers changed their evidence after they were shown CCTV which confirmed that Lee had spoken to them but still refused to say what Lee had been talking to them about. The Coroner found that they were not credible witnesses and had hampered her investigation. She was concerned that checks of the CCTV were not carried out immediately after Lee's death and that the officers were not spoken to by Senior Prison Staff members despite being on duty the next day. The failure to carry out early investigations and interview staff had hampered her investigations and affecting the potential for lessons to be learnt to prevent future deaths.

HMP Pentonville Living Conditions and Overcrowding Worsen

Livia De Capua, Justice Gap: HM Inspectorate of Prisons (HMIP) has released a report after an unannounced inspection in July of HMP Pentonville, one of the busiest Category B men's prisons located in the south of London. The report states issues of overcrowding and poor living conditions which have worsened since the last inspection in April 2019.

With a population of 1,111 at the time of inspection, the report confirmed that overcrowding issues are significant. 60% of inmates live in overcrowded cells, with two people often living in a cell designated for one. The prison has surpassed its capacity and thus does not have the tools to provide for the safety and care its population requires, ranging from a lack of effective mental health services to inadequate access to purposeful activity.

Mental health appointments cannot be provided for on a 'prompt' basis for the 205 prisoners referred to them each month, Chief Inspector Charlie Taylor has stated. There have been seven self-inflicted deaths since the 2019 inspection and 542 reported incidents of self-harm despite the expectation for the prison environment to 'reduce the risk of self-harm and suicide.' Support for inmates in crisis was found to be 'not good enough' and only one in four felt supported. Relationships between staff and prisoners remained 'not sufficiently good' with many prisoners reporting incidents of verbal abuse. The report stated that little work was being done to correct this. The report mentions some improvements in terms of staff support and training, with some prison leaders planning a unit for neurodivergent prisoners. However Mr Taylor has commented that national and prison leaders need to work on 'entrenched problems'.

Boris Becker Teaching Yoga in Prison

Boris Becker is reported to have lost weight and won friends in the UK prison where he is serving a sentence related to his 2017 bankruptcy, according to a German newspaper. The former Wimbledon champion was transferred from Wandsworth prison to Huntercombe prison near Nuffield, Oxfordshire, in May. In April he was jailed for two and a half years for concealing £2.5m of assets to avoid paying money he owed after his bankruptcy. The tabloid Bild, quoting a source close to Becker, said the 54-year-old had been training regularly in the prison fitness studio and had given up alcohol, which is banned. The source said he had lost about 8kg (1st 3lb). Becker is also working as an assistant alongside the prison coach for fitness and psychology, drawing on his experience as a former world No 1 tennis champion, Bild reported.

According to the source, Becker is teaching about 45 fellow inmates in fitness, nutrition and crisis management at the prison, which has a sports complex with a climbing wall, an astro turf pitch and a cardiovascular fitness room. Becker is also said to be instructing other prisoners in a “special type of yoga and meditation”, the source told the paper. “As a sportsman, he knows only too well the highs and lows of victories and defeats. He is sharing his life experience with his fellow prisoners.” Becker’s position is reportedly connected to a bonus programme run at HMP Huntercombe, a category C – low-security – men’s prison, in which prisoners can earn extra privileges. He was transferred to the prison in mid-May this year and reportedly has his own cell. Huntercombe is used to detain criminals from abroad, indicating that Becker, who has lived in the UK since 2012, will probably be deported from the UK at the end of his sentence. HMP Huntercombe’s latest inspection in 2017 found that of 197 men released from the prison, 185 had been deported immediately. Becker, who has a son who lives in the UK, can appeal against a deportation order, but the process is said to be costly and lengthy.

His German lawyer, Christian-Oliver Moser, told Bild: “Our client, Boris Becker, continues to do well under the circumstances and he has constructively integrated himself into daily prison life. He is able to telephone whenever he wants and to communicate with the outside world. Any further details about his prison stay are subject to protected personal privacy laws.” Becker was jailed by Southwark crown court for five years under the Insolvency Act for hiding assets worth millions of pounds after being made bankrupt in June 2017. The judge, Deborah Taylor, accused him of showing no contrition, telling him during sentencing: “You have not shown remorse, acceptance of your guilt, and have sought to distance yourself from your offending and your bankruptcy. While I accept your humiliation as part of the proceedings, there has been no humility.” He was told he would serve half the sentence. He has a previous conviction for tax evasion and attempted tax evasion in Germany in 2002. The Ministry of Defence has been approached for comment.

Report Finds UK Judiciary to be ‘Institutionally Racist’

A historic report on racial bias in the judiciary in England and Wales has revealed that it is ‘institutionally racist’, with 95% of legal professionals surveyed believing that racial biases play a role in our criminal justice system. More than half of respondents reported having witnessed a judge acting in a racially biased way. This damning finding came from the Racial Bias and the Bench report, launched online on Tuesday 18th October. The authors, including researchers from the University of Manchester and barrister Keir Monteith KC, criticise the 5-year Judicial Diversity and Inclusion Strategy 2020-25, launched by the Lord Chief Justice in 2020, for making no reference to racial bias or racism. The report’s foreword, written by Prof Leslie Thomas KC, commented that ‘...racism is alive and well and living in Tower Hamlets, in Westminster and, yes, sometimes in the judiciary... this

is something that cannot be ignored any longer.’ A catalogue of concerns highlighted by the report authors include that judges tend to favour police accounts more during trial, black people are less likely to be given suspended sentences, and BAME defendants are being sentenced more harshly than their white counterparts, as previously highlighted by the Lammy Report. It is noted that just 1% of the judiciary are black, with black female solicitors the least likely to be appointed to a judicial role. At present, there is no black representation on the court of appeal, and there has never been a justice of colour on the supreme court. The report made nine, recommendations in total. The first being a call to publicly acknowledge and recognize that the justice system is institutionally racist by the lord chief justice.

Daniel Hegarty: Decision Not to Prosecute Soldier Can be Challenged

BBC News: The family of a teenage boy shot dead in 1972 have been given permission to challenge a decision not to prosecute the soldier who killed him. Fifteen-year-old Daniel Hegarty was shot twice in the head by a soldier in Londonderry. Last year, the Public Prosecution Service (PPS) announced it was dropping the prosecution of the veteran known as Soldier B. A judicial review of that decision was granted in the High Court on Wednesday. It is due to take place in January. Des Doherty, solicitor for the Hegarty family, said the granting of a judicial review was “positive and welcome news”. The Soldier B case had not progressed to court when the PPS moved to drop the prosecution.

Daniel, who was a labourer, was shot twice in the head during an Army operation in the Creggan area of Derry on 31 July 1972. It was during Operation Motorman, the name given to a military operation by the Army to reclaim “no-go areas” set up by republican paramilitaries in towns across Northern Ireland. At the time it was largest British military operation since the Suez Crisis of 1956. Daniel’s cousin Christopher Hegarty, who was 16, was wounded in the same incident. In 2011, an inquest jury unanimously found Daniel posed no risk and had been shot without warning. An initial inquest was held in 1973 and recorded an open verdict. The second inquest was ordered by the attorney general in 2009 following an examination by the Historical Enquiries Team. In 2007, the British government apologised to the Hegarty family after describing Daniel as a terrorist.

Latvian Extradition Appeal Allowed

Malcolm Hawkes, DSC: The High Court has allowed the appeal against extradition of a Latvian man, represented by Malcolm Hawkes who was wanted to serve a 5-year prison sentence for supplying 8 grammes of cannabis at the age of 17, and to stand trial for selling 2 grammes of cannabis, for which he would, if convicted have faced a minimum additional 2 years imprisonment. The appeal was allowed on the grounds of dual criminality and proportionality. Dual criminality arose because the Latvian authorities had convicted and also wanted the appellant to stand trial for having used cannabis and ecstasy. The High Court accepted the submission that, on the evidence as presented in this case, there is no dual criminality – conduct recognised as an offence in England and Wales – by the fact of him having used controlled drugs. The appellant relied upon the 1968 authority of Hambleton v Callinan in which the court held that a test, proving that a person had drugs in their system could not, without more prove prior possession. In this case, there was no evidence of the appellant’s possession of the drugs, other than his positive drug test. Moreover, the court held that the combined factors of the appellant’s young age at the time of the offences, the fact these were his first convictions, evidence of repeated failures by the Latvian authorities to deal with him promptly and the fact he has been the subject of an electronically-monitored curfew for over 2 years in these extradition proceedings, meant his extradition would constitute a disproportionate interference with his right to private life, pursuant to Article 8 of the ECHR.

Separation Centre at HMP Woodhill Closes Due to Staff Shortages

One of three Separation Centres in English prisons holding people convicted of terrorist offences has been closed due to staff shortages at the jail. Men who were detained in the centre at HMP Woodhill, in Milton Keynes, have been moved to the two remaining Separation Centres – at Frankland and Full Sutton. The “jail within a jail” units are designed to prevent their residents from spreading extremism among other prisoners. In a report on the Woodhill unit in April, HM Inspectorate of Prisons warned that a “severe” staff shortage had led to the prison regime being curtailed regularly, and said that some staff had no experience of dealing with people convicted of such offences.

Confirming that the men had been moved, a Prison Service spokesperson said: “These prisoners will continue to be closely supervised and prevented from spreading their hate to other prisoners. We are recruiting more staff at HMP Woodhill and have just increased pay with an extra £3,000 for some of the lowest paid, helping us reward and retain hardworking prison officers.” The Government has announced plans to make greater use of Separation Centres. HMIP has warned of widespread staff shortages in English prisons, especially in the south-east where the labour market is buoyant and in rural areas where the pool of potential recruits is small. HMP Woodhill is one of only eight prisons in England suitable for holding men in Category A – those seen as posing the greatest risk to the public or of escape. Last month The Sunday Telegraph reported that the Prison Service was considering removing Category A men from Woodhill, and closing its Close Supervision Centre – which holds the most dangerous individuals – whilst keeping its Separation Centre open.

Prisons and Probation Ombudsman - 2022 Report

Complaints received: In 2021/22 we received 4,442 complaints, an increase of 11% compared to last year. Of these: 4,142 were about prisons, 420 more than last year: 287 were about probation services, 5 more than last year: 9 were about immigration removal centres, 5 more than last year: 2 were about secure training centres, the same as last year.

5,059 eligibility letters to complainants in 2021/22, an 8% increase compared to last year’

Started investigations into 1,936 cases compared to 1,682 the previous year, increase of 15%

Complaints completed In 2021/22 we completed 1,924 investigations compared to 1,572 in the previous year, an increase of 22%. 2 Of these: Property 27% the most common complaint category. Staff behaviour 10%. Adjudication 7%. 28% of all completed cases were found in favour of the complainant, similar to the rate of 30%.

Fatal incidents Investigations started In 2021/22, we started investigations into 329 deaths, a 23% decrease compared to the previous year. We began investigations into:

287 prisoner deaths, 118 fewer than last year

1 death of a resident of the immigration removal estate, equal to last year

Female Librarian Charged With Sexual Assaults in Men’s Prison

A woman has appeared in court charged with sexually assaulting male prisoners while working as a librarian at Kirkham open prison. The 45-year-old is accused of carrying out the offences over an eight-month period in 2017 and 2018 while employed by Lancashire County Council in the prison’s library. She faces six counts of sexual assault and three counts of misconduct in a public office. The woman, who lives in Blackpool, appeared in Preston Crown Court on October 11, where she spoke only to confirm her name and enter a not-guilty plea. Judge Heather Lloyd granted her unconditional bail and told her she will face trial on September 29 next year.

Government Response: Women in Prison - Concerns Progress Has Been Slow

Women represent less than 5% of the total prison population. They are often sentenced to custody for non-violent, low-level but persistent offences, and are more likely than men to be sentenced for short periods of time. Female offenders are often the most vulnerable in society and have varied and complex needs. Many have experienced mental health problems, substance misuse, homelessness, abuse and trauma in their lives.

The Ministry of Justice recognised these challenges in its 2018 Female Offender Strategy, which set out its strategic priorities to see fewer women coming into the criminal justice system; fewer women in custody (especially on short sentences); and a greater proportion of women managed in the community successfully, with better conditions for those in custody.

This Report assesses its performance to date against those priorities. Whilst the Female Offender Strategy represented a welcome step forward in the Government’s recognition that a specific approach was needed to achieve outcomes for women in the criminal justice system, Our Report Raises Concerns About The Lack Of Progress the Government has made to date against the aims and objectives set out in the Strategy.

For example, the MoJ now predicts an increase in the female population of more than a third over present levels in the next three years. There is anecdotal evidence that sentencer confidence in community sentences has declined. And progress has been slow on the MoJ’s commitment to develop five women’s residential centres. Our Report makes recommendations across a range of areas, which we hope will help re-energise the MoJ’s ambition for delivery of its Strategy as the criminal justice system slowly begins to recover from the pandemic.

FNP’S Jailed Beyond Release Dates Due to Home Office Failings

Hundreds of foreign national prisoners (FNP’s) are being kept in jail for months beyond their release dates due to inefficient Home Office casework, according to a report by HM Inspectorate of Prisons (HMIP). Inspectors found that in March there were 621 people being held in UK prisons under immigration powers, of whom two-thirds were more than a month past their release date. People who have served a prison sentence can be detained under immigration powers if the Home Office intends to deport them. Normally they would be held at an Immigration Removal Centre (IRC) rather than a prison, but they may be kept in prison if they are deemed to pose a risk. People held in IRCs are given mobile phones, have use of the internet access and have better access to legal advice than those in prison.

For its report, published on October 13 and titled The experience of immigration detainees in prisons, HMIP visited eight prisons and spoke to 45 detainees and 33 staff members. Inspectors concluded that “the prolonged detention of people under immigration powers, especially when it is because of inefficiencies in Home Office case-working procedures, is inexcusable given that so many prisons are already overcrowded”. HMIP added: “Our principal finding is that immigration detainees held in prisons were substantially disadvantaged in terms of legal safeguards and welfare when compared with those in IRCs, and that the impact of detention on their well-being was considerable.

“The progression of detainees’ immigration cases was not adequate in too many of the cases we reviewed, which meant that people were subject to avoidable periods of often lengthy immigration detention. This, combined with a lack of meaningful information from the Home Office regarding their case progression, had led to frustration and feelings of helplessness in detainees, who told us they were often confused about what was happening.”

Old Versus New

Having spent close to 3 decades in the British prison system I have seen many changes. When I first came to prison you were given a shower, had delousing powder liberally applied, and were given a uniform. This was standard for everyone. Nowadays they don't even bother with any of that, if you stink and are crawling with fleas or lice, you are just waved through, and your cellmate will have to deal with it. In those days your cell was basic, basically a cell, there was the beds, a table, a chair, a cupboard, plastic bowl and jug for washing in, plastic cutlery and plates, and a plastic bucket or pot which was your in-cell toilet. There was no in-cell electricity, except the light bulb which was turned out at 10pm, by an officer from the outside. The only good thing about this was that you didn't have ignorant toerags blaring out their crappy music all night. On the minus side, those same ignorant toerags spent a lot of their time hanging off the bars shouting their absolute nonsense at everyone else. You got three hot meals a day, cooked breakfast included, and most prisons made their own bread and rolls every morning. These days breakfast is a plastic bag of nonsense and lunch is a crappy sandwich and a bag of crisps. We now get one hot meal per day. Things certainly have changed a lot, sometimes for the better and sometimes for the worst. I would be interested to hear from older prisoners about what they remember about the 60's, 70's and 80's prison system.

Accuser's Prerogative

Most of us know 'prerogative powers' are held by the Crown, often referred to as the 'Royal prerogative'. This simply means the holding of rights over and above others. Over recent decades attitudes and legal procedures have changed, effectively giving priority rights to complainants over and above the accused. This is contrary to 800-years of the right to equality under the law since Magna Carta. The Times newspaper published 'Three Years of Hell' (17/7/22. Page 3) which illustrates the way a police investigation works. A school boy (15) pursued and assaulted his female teacher. He lied about fake text messages and claimed a photo of breasts was his teacher, implicating her in sexual activity. The teacher was prosecuted and faced 14-years in prison. A defence expert established there were no real text and photo evidence, and the teacher was acquitted. The police subsequently confirmed 'they had no intention of investigating the child victim in this case'. Something they had not done all along. It cost the teacher's family £43,000 to defend against this apparent abuse of power.

Perhaps there is a clue in the 2014 HM Inspector of Constabulary's recommendation that 'a victim (accuser) should always be believed should be institutionalised'. Thus, the presumption of the accused's innocence was effectively abandoned along with investigating without fear or favour. 'An explosion of false allegations' was already on the cards in 2002 when the Government's Select Committee Inquiry expressed great concern at a 'new generation of miscarriages of justice'. High Court Judge Sir Richard Henriques, after finding many failings in police (Midlands) investigations reported in 2016, 'The policy of believing accusers.... will generate miscarriages of justice on a considerable scale.'

HMP Winchester: Rubble, Ruin, and Rotting Rats

As many as four out of 10 prison staff at a HMP Winchester were 'inexperienced', according to a prison inspection which highlighted extensive vermin infestations at struggling category B prison in Hampshire. The Independent Monitoring Board has released its annual report, with harsh criticisms of the prison's health, humanity and security. The IMB noted several significant problems with HMP Winchester. The fabric of the prison was falling apart in many areas, with

parts of the chapel fenced off, prisoners removing whole windows, and breaking through walls of their cells. This damage came with obvious 'risks of disorder or escape'. The IMB drew to the attention of the prisons minister staffing problems which remain 'an effective barrier against a more settled, effective and consistent service' and noted 'up to 40% of officers' were 'inexperienced in managing either a normal regime or the volatile nature of the population'.

Also reported a 'significant vermin problem'. Rats were found throughout the prison, and nested among the cabling in the control room. Some had gnawed through wires 'pivotal to the security of the prison'. Attempts to poison the rats had worsened the situation, as their decomposing corpses could not be removed: the 'smell of rotting rat bodies' led some employees to refuse to work in areas of the prison. 'The control room always has a very disagreeable smell of rotting rat bodies, and is a most unpleasant atmosphere to work in,' the board noted.

Further criticism was levelled at the regime of the prison for depriving prisoners of meaningful work. This leads to many prisoners being locked in cells for up to 22 hours a day. This is coupled with an inability to maintain appropriate temperatures; a lack of reliable showers; and the inaccessibility of many areas of the prison to disabled inmates. The IMB stated damningly: 'This regime can hardly be said to represent humane conditions'. HMP Winchester is a 'local prison', meaning it takes prisoners from several courts around the area. These prisoners are often on remand, or not yet sentenced; others have not yet been fully assessed, and will later be transferred to other prisons. This leads to a high prisoner turnover.

Government 'Throws Away' £100m In Failing Tagging Scheme

Joyce Claudia Choo, Justice Gap: The government has 'thrown away' £98 millions of taxpayers' money on a failed case management system for electronic tagging, MPs have reported. The House of Commons' Public Accounts Committee highlighted the 'high-risk and over-complicated delivery model' for the government's tagging programme which provided 'poor oversight of suppliers, overambitious timetable and light-touch scrutiny' from the Ministry of Justice and ultimately led to the failure of the scheme's case management system. The new system suffered 'avoidable mistakes' that left the electronic tagging system 'reliant on legacy systems that needed urgent remedial action' costing a further £9.8 million, according to the MPs' report. Mistakes included the prison service failing to provide the police and probation services with timely access to the electronic monitoring system, outdated hardware leading to the live service failing six times since May last year; and the prison service, and its supplier (Capita), failing to deliver the new case management system.

'The prison and probation service is reliant on outdated technology that is swallowing taxpayers' money just to stand still,' commented Dame Meg Hillier MP, chair of the Public Accounts Committee. 'The existing system is at constant risk of failure – and let us be clear that in the case of tagging, "failure" can mean direct and preventable risk to the public – and attempts to transform it have failed.' Hillier went on to say that the 'incredible scale of waste and loss' in the Government's Covid response should 'in no way inure us to this: that's another hundred million pounds of taxpayers' money for essential public services just thrown away, wasted, lost'.

Dr Roger Grimshaw, research director at the Center for Crime and Justice Studies, called the current debacle 'an alarming picture of government failures'. Its plan to expand electronic supervision outside of the prison system was 'unguided by firm evidence about any positive role in rehabilitation', according to Grimshaw. The loss is compounded by the fact that the prison service still does not know how electronic tagging fully works as well as crucial problems with data, includ-

ing not knowing how many ethnic minority offenders are tagged. MPs were ‘unconvinced’ that the Ministry of Justice is equipped to handle increasing problems. MPs said that they would continue to monitor the ‘serious risks’ that remain in expanding tagging and the need to obtain new contracts by early 2024 as well as plans to press ahead with an additional £1.2 billion programme, expanding electronic monitoring to an additional 10,000 people over the next three years.

Rules Changed After Dying Prisoners Were Cuffed Unnecessarily

New rules on the use of restraints were issued by HM Prison and Probation Service last month following cases where prisoners were cuffed unnecessarily. In one case, a wheelchair-user with no legs who had suffered a suspected stroke was kept in cuffs throughout a 12-day hospital stay. A High Court judgement in 2007 found that unnecessary handcuffing of prisoners during hospital visits could breach Article 3 of the European Convention on Human Rights – which prohibits torture and inhuman or degrading treatment or punishment. Nevertheless, recent investigations into deaths in custody by the Prisons and Probation Ombudsman (PPO) have frequently criticised prisons for cuffing dying prisoners unnecessarily.

The new HMPPS rulebook – a revised edition of the External Escorts Policy Framework – sets out the standard level of restraints to be used during escorted hospital visits with prisoners in each security category, but also makes clear that an individual risk assessment must be completed in each case. A member of healthcare staff will be required to sign off on the need for restraints, taking into account the prisoner’s current medical condition and its impact on their ability to escape. Welcoming the changes, the PPO said: “Over the years, we have continued to see far too many cases in which elderly, frail and, or unwell prisoners with limited mobility were escorted to hospital in handcuffs. Some remained restrained until shortly before they died. We shared this learning to influence changes to the External Escorts Policy Framework and we are pleased these were accepted.”

Justice System Fails in Responding to Child Sex Abuse Cases

Stephanie Esho, Justice Gap: A new report from the Independent Inquiry into Child Sexual Abuse (IICSA) outlines the recent failures of the justice system in responding to cases of child sexual abuse. Institutional problems have included both investigative and prosecutorial failures, involving inadequate responses by the police, CPS and the courts. Disruption tactics, designed to prevent perpetrators from committing further sexual offenses against children have also been underused.

The inquiry identified a number of failures by the police in investigating allegations of child sexual abuse. The police failed to fully investigate reports when officers were under the impression that children were lying. Allegations made by children, in particular those in care, were considered less believable. These failures of the police have been found in old as well as recent investigations. As a result, the investigations found that only 7% of victims and survivors reported it to the police at the time of the offence and only 18% ever told the police. Allegations from children in Secure Training Centres and Young Offender Holding Institutes were not investigated properly, showing a failure to adhere to normal child protection procedures. Forms of control including pain compliance techniques, accepted by the Ministry of Justice, have proven to be emotionally distressing for children with experience of sexual abuse.

Delays in prosecutions have meant many have been forced to endure long waits spanning years in order to receive justice, adding further harm to complainants. This is also limiting efforts to bring perpetrators to justice, as some survivors have retracted their statements in order to not have their case prolonged. Investigations into the civil justice system have also

described difficulties in seeking compensation due to the unfairness of imposing time limits within civil claims in child sexual abuse cases. The report recommends compliance with the Code of Practice for Victims of Crime in England and Wales throughout police investigation and prosecutions. In addition, it recommended to remove the time limits on civil claims for child sexual abuse. Through following these recommendations, it is expected that survivors of child sexual abuse will be able to feel more confident in the criminal justice system.

CCRC: Vietnamese Trafficking Victim’s Conviction Overturned

A judge has overturned a conviction where the charges were a direct consequence of being a child victim of modern slavery. It is the first time the CCRC have referred a case based on section 45 of the Modern Slavery Act 2015, which serves as a defence for trafficking victims who were compelled to commit an offence. ‘Mr K’ was found working on a cannabis farm after being trafficked to the UK from Vietnam via Russia in 2016. In May 2017, the-then 17 year old pleaded guilty to the production of cannabis at a Youth Court and was sentenced to a 12 month referral order. The CCRC investigation considered new evidence that Mr K was a child victim of modern slavery and that his offending was a direct consequence of his trafficked situation. Mr K’s lawyers had originally advised him to plead guilty and did not tell him that he may have had a defence under section 45 of the Modern Slavery Act. Following the CCRC’s referral back to the courts in May, a judge at Leicester Crown Court has now considered the case and directed a not guilty verdict. Helen Pitcher OBE, Chairman of CCRC said: “This young man should not have been convicted of actions directly linked to being a victim of modern slavery. There is clear guidance on crimes committed by vulnerable trafficked children and victims of modern slavery, but this case shows that miscarriages of justice still happen. We urge any trafficking victims who feel they have received an unjust conviction to contact us and we will investigate their case.” The CCRC investigation found that the CPS failed to follow its own guidance around victims of trafficking, despite clear evidence that was available from the time of his arrest through to his sentencing.

Police Violence Disproportionately Targets Ethnic Minorities Across Europe

Noah Robinson, Justice Gap: A new report by a criminal justice watchdog has found evidence of entrenched police violence that disproportionately targets people from ethnic minorities across Europe. The findings by Fair Trials confirms that justice ‘does not apply neutrally and equally’, and provides evidence of structural discrimination and racism, calling for an ‘urgent’ need for reform. The main finding across Belgium, Bulgaria, Greece and Romania was that police violence disproportionately targets people from ethnic minorities. In Greece, 82% of those who reported being subject to, or having witnessed others experiencing, police violence identified as other than Greek. A respondent in Belgium described police violence ‘as the norm for years. Blows when you’re handcuffed, arrests where they pin you to the ground and the police officer puts his foot on your throat to immobilise you.’ In Belgium, people of African descent were twice as likely to experience violence than people of Western European descent. Violence within police detention settings was described as a ‘constant problem’ leading to an ‘unsafe climate’ for ethnic minorities reporting police violence through formal mechanisms. The findings clearly demonstrate low levels of reporting, with some respondents describing it as pointless. In Greece, only half of respondents submitted a complaint about the violence they experienced, caused by fear of retaliation or a lack of faith in a system that fails to protect them. Also a clear failure to enforce procedural rights.