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USA: Food Insecurity in Prison Makes People Vulnerable to Labor Exploitation

Carla J. Simmons: Since my incarceration began in 2004, I have been housed at three different women's facilities in Georgia. During the first 15 years, I have often been pat-searched as I leave dining halls to ensure I'm not in possession of any food from my tray. At the end of each shift, kitchen workers were formerly required to throw away pans and pans of unserved food. Knowing that food was being intentionally wasted, people often tried to smuggle an item from our meager portion back to our cellblock for later. But this was prohibited, and if discovered, could have resulted in a write-up for theft, and lead to sanctions or isolation. The message was clear: You are not worthy of fulfillment. Incarcerated people must stay in a perpetual state of need, desperate for their humanity and vulnerable to coercion and abuse.

A lot has changed over the last five years in women's services in Georgia prisons. The food service is no exception. It has never been good, but now it is deplorable. For one thing, the portions are always shamefully small. As a result of grave issues with food storage in prisons, I have personally seen roach legs in cornbread and rats climbing over the dry goods in the warehouse. Additionally, the meals are poorly prepared — beans are half cooked, eggs are scorched and everything is cold. The food is sometimes inedible and always difficult to swallow. No one is searched leaving the dining hall anymore. There is a staff shortage in the Department of Corrections, so there isn't enough staffing to micromanage meal times, but no one takes food from their tray unless they absolutely have nothing else to eat. Anyone who can will avoid meals altogether by eating commissary food or food from their work details.

Commissary items — honey buns, chips, candy bars, instant beans, rice, soda — can be purchased once a week and play a huge role in an incarcerated person's diet and in prison culture. The store supplements the meals provided by the state in taste, sanitation and quality. But they also result in a devastating lack of fiber and nutrients. Incarcerated people are desperate for food that cannot be found in the commissary or in the kitchen, such as fresh fruits and vegetables or unprocessed meat.

It's strictly against policy for anyone to give an incarcerated person any personal item, including food. Most work detail supervisors follow this rule to the letter, while others are more inclined to sympathize with a person who works day in and out without pay. You may be hard pressed to find an incarcerated person who hasn't eaten out of the trash. It's a common practice for detail officers to intentionally leave half-eaten food in their waste baskets and then ask "their inmates" to come change the trash. On some work details, cleaning out a refrigerator or getting leftovers from a staffing event is equivalent to hitting a jackpot and will motivate an incarcerated person to seek work, in some cases, for a lifetime.

These abuses are possible because of persistent scarcity and deprivation in the prison system. Unmet needs motivate incarcerated people to work without pay and compromise their dignity. Some would argue that it's just the nature of criminals to steal and degrade ourselves for scraps. But this argument can only be made by someone who has never been in a similar situation. The desire for a stable food source is a basic human need, and the carceral system operates by exploiting that desire, saving itself millions of dollars by feeding millions of people leftovers and stale popcorn.

In the state of Georgia, work for an incarcerated person may be forced, and 99 percent of

all prison labor is unpaid. (One small exception: Union Supply Company employs 18 women who earn a federal minimum wage but are forced to pay room and board for their meals and contribute to victim services, leaving them with half of their earnings.) Almost every incarcerated person depends on financial support from home. People who do not receive money from home will often work for other residents who do, performing chores such as hand-washing laundry or tennis shoes, and providing services like sewing, writing motions to file in court or braiding hair. Being in a perpetual state of deprivation compels workers to pursue these opportunities. Work is the only path that has ever led to extra, or better, food, though never quite enough.

Having a detail provides the opportunity to gain access to food or incentives, such as office supplies, that can be consumed or bartered for what a person needs. This often includes transactions between individual staff members and the residents that have been assigned to essentially do staffers' jobs. Work in this sense looks like everything from electrical work, to keeping the books and even sexual favors. (An alarming amount of sexual abuse allegations are reported between food service workers and incarcerated kitchen workers, where incarcerated people are the most vulnerable due to the absence of provisions for their basic needs. Over the years, at every facility I have been in, I have heard countless stories of women getting involved with male staff because they would bring them gum or snacks or maybe a slice of pizza.)

In-house prison work uses 80 percent of the total prison labor force, which would amount to an estimated \$9 billion of equivalent hired labor. The conditions of these work assignments are poor and even dangerous due to chronic scarcity of necessary supplies or protective equipment. The workloads often exceed safety regulations and sometimes result in permanent injury. Yet, many incarcerated workers are rewarded for these tasks with a promise of a quarterly incentive meal provided by the state or the elusive "Warden Bag" that is distributed for exceptional behavior. A Warden Bag consists of \$10 worth of (mostly expired) snacks. In the position of scarcity and unfulfillment, many incarcerated workers labor in the hopes of receiving these small rewards. Over the course of the last 20 years, I have kept the grounds, washed clothes, shined floors, scrubbed toilets, prepared food, unloaded trucks, painted walls, repaired plumbing and hauled trash. These work detail assignments required around 40 hours of labor each week. Such assignments are a common aspect of prison life.

My longest stint, lasting for almost 10 years, has been as a teacher's aide. It's one of the in-house support jobs that require an extra level of skill and education that can be used to supplement the role of non-security staff, such as teacher, librarian or food service worker, within the institution. In most cases, the teacher is a state employee on salary, and is assigned a resident, or two, to do their job. After earning high scores on the Test of Adult Basic Education (TABE), which is given to incarcerated people entering any educational track in the prison system, I was assigned to teach math to other residents who were preparing to earn their General Education Development diploma equivalent.

I was required to make lesson plans, teach class, assign homework, grade papers, administer tests, keep attendance, order supplies, manage the budget and clean the classroom. During this time, I worked for a slew of educators who were able to read novels, plan weddings, cross stitch, nap — and earn \$60,000 to \$80,000 annually thanks to my labor. They even received promotions, bonuses and appreciation awards for the passing rates and stellar records of residents, while my labor went unrecognized.

The staff members that are assigned incarcerated workers often appear to act as if the humanity of these workers begins and ends with their labor. Once, an educator I worked for entered a hallway full of residents and said, "My God, I just wish I could load you all up in a

bus and take you to my house.” Everyone smiled, some cheered until she continued: “I need so much work done in my yard. Y’all could fix it right up.”

I clearly remember the last day that I worked for this educator. I was grading homework assignments as she sat beside me, talking and eating. When she had scooped the last shred of carrot from her salad, she said, “Hey Simmons, do you want to take my bowl and wash it in the bathroom?” Confused, I asked her if she wanted me to wash her takeout container. She said, “I mean, I thought you might want to, wink, wink, wash it for me.” I asked her to please clarify what she wanted me to do. She said, “Well, I know sometimes Princess (her dog!) just likes to taste it.”

It took a few moments for it to sink in: She was suggesting that I would want to take her empty plastic dish into the bathroom and lick the Italian dressing mixed with her saliva from the bottom, like her dog. Perhaps it wasn’t a malicious suggestion, but her version of kindness — a payment of sorts in return for doing her job — was horrifying. My emotions spiked, and the room began to spin. I would’ve liked to ask her why she thought I would have any desire to do that, or point out it was one of the most degrading things anyone has ever said to me. But for hours, I was speechless. I cried myself to sleep.

Being in prison already has adverse psychological ramifications for incarcerated people. The additional punishment of needing to constantly labor in a vain attempt to ease our hunger only deepens the suffering. It can lead to physical disabilities that result from years of back-breaking work. Spending years in a workforce with little to no pay gravely reduces our chances of a successful reentry. This essentially leaves the unfree laborer physically compromised and mentally and emotionally damaged from years, if not decades, of coerced labor. Labor that is compelled by the basic need and desire for adequate nutrition, or mere satiation, is especially unjust. This pressure to work while deprived of the most elemental human need is a farce of rehabilitation.

Carla J. Simmons has been incarcerated in the state of Georgia since 2004. She holds an associate degree in Positive Human Development and Social Change from Life University and is a member of the Justice Arts Coalition. She has contributed to Scalawag as an author and artist, as well as “Rattling the Bars” on the Real News Network and the 2024 edition of The Other Almanac. She takes seriously the work of social justice and has become passionate about trauma in the carceral system. Exploring this topic has helped her raise awareness as well as process her own horrific experience. She is a survivor of state and domestic violence, a member of a very small, very supportive family, and someone who believes in the huge significance of now, while hoping for better, for us all.

1) Prisoners Release Housing - Question for Ministry of Justice

Rosena Allin-Khan MP: To ask the Secretary of State for Justice, how many former prisoners were given tents to live in when leaving prison in each year since 2010.

Edward Argar MP Responded: There is no official policy to issue tents as part of releasing people from prison, therefore the Ministry of Justice does not collect data on the number of tents issued. As such no information can be provided. Our Prisons Strategy White Paper set out our plans to reduce reoffending, including improving prison leavers’ access to accommodation. This includes delivering our transitional accommodation service, known as Community Accommodation Service – Tier 3 (CAS-3), which provides up to 84 nights of basic temporary accommodation for prison leavers who would otherwise be homeless. CAS-3 launched in five initial probation regions in July 2021. The service was expanded to Wales in June 2022, with expansion to the remaining six probation regions in England by the end of last year, to support the thousands of offenders who leave prison homeless. Between 01 July 2021 and 31 March 2023 5,796 individuals, who would have otherwise been homeless, were accepted on to CAS-3.

2) Prisoners' Release Christmas - Question for Ministry of Justice

Emily Thornberry MP: To ask the Secretary of State for Justice, with reference to his Department’s publication entitled Discretionary Friday/pre-Bank Holiday Release Scheme Policy Framework, last updated on 8 December 2023, how many offenders with scheduled release dates between 22 and 26 December 2023 were released on (a) 20 and (b) 21 December 2023 under the terms of that framework, by each offence committed by those offenders. How many offenders were released on temporary licence for Christmas Day in (a) 2022 and (b) 2023, broken down by each offence committed.

Edward Argar MP Responded: This policy created a presumption that all offenders due for release on a Friday or the day before a bank/public holiday will be eligible for release up to two working days earlier unless exceptional circumstances apply. It addresses the practical challenges posed by Friday releases in order for offenders to turn their back on crime. Releasing offenders earlier in the week will help them to access the key services that they need, such as drugs rehabilitation and mental health support. This better enables stable and law-abiding resettlement, reducing their risk of reoffending and ensuring public protection is maintained. For the adult estate, data covering prisoner releases in December under this policy forms a subset of data planned for release in the regular Offender Management Statistics Quarterly publication, and therefore the Department is not able to provide the requested information at this time. The Youth Custody Service holds this data for the Children and Young People Secure Estate which shows fewer than 5 children or young people were due for release between 22nd and 26th December. Data suppression rules (in this case numbers of individuals fewer than 5) in place to protect the anonymity of individuals prevent disclosure of the exact figure and offence type. However, all those children or young people due for release within the period were released in accordance with policy on December 20.

Data on the number of individuals recorded as temporarily released from prison on 25 December 2022, broken down by main offence category, has been published in response to a request under the Freedom of Information Act 2000 (FOI 230910004). Requested data for Christmas 2023 forms a subset of data planned for release in the regular Offender Management Statistics Quarterly publication, and therefore the Department is not able to provide the requested information at this time. Offenders released on temporary licence are subject to strict conditions and risk assessment. Any breaches can result in more time behind bars.

Police Remand of Children Overused - Report By Transform Justice

Aisling Martinez Gorman, Justice Gap: A campaigning charity, Transform Justice, report that police remand of children is being overused. The police remand over four times more children in custody than the courts due to the application of ‘significantly looser’ criteria. In 2022, over 3,200 children were held on remand by the police, compared to only 787 held on remand by the court. In addition, in 2022, despite being charged with non-violent offences, 54% of children were refused bail. A third of those children held on remand went on to eventually be discharged, dismissed, or have their case withdrawn, whilst another third went on to be given a community sentence or a fine.

In response, Transform Justice have recently announced their amendment, which aims to reduce the number of children in police custody, has been tabled for discussion as part of the Criminal Justice Bill. The aim would be to bring the grounds for police refusal of bail for children more closely in line with those used by the court to ensure remand of children remains a last resort. This would also look to prevent the remand of children for drug testing, and include provision to obligate custody officers to consider the best interests and welfare of the child when deciding whether to hold a child on remand.

Research and policy lead for Transform Justice, Fionnuala Ratcliffe, has described the remand of children as a process that ‘deprives children of their liberty, disrupts education, severs positive social relationships with family and friends, and is a traumatic experience’. Research also suggests that the approach of the police in holding children on remand is damaging children’s trust and causing them to build resentment towards law enforcement. Furthermore, whilst data recording of the ethnicity of children held in custody is poor, police remand of children appears to be used disproportionately against Black or Mixed Heritage children. Where ethnicity has been recorded it shows that 35% of those children detained by the police post-charge in 2022 were of Black or Mixed Heritage. It is therefore hoped that the proposed amendment will also help to reduce inequality within the youth justice system. With the proposal now tabled for discussion, it remains to be seen whether the draft amendments will become a legislative reality as part of the new Criminal Justice Bill.

Inquest Jury Finds Met Police Failure to Provide Care Contributed To Death

Doughty Street Chambers: A four-day inquest into the death of 23-year-old Frank Jackson has now concluded at Inner West London Coroner’s Court, with a jury finding of contributory failure to provide care by the Metropolitan Police. Frank was described as “a big, beautiful character” by his family, of which he was the centre. Caring and loyal, Frank had a laugh that instantly brought a smile to everyone’s face. The facts of the case were as follows: At 2.32pm on Thursday 21 November 2019 the Met received a report of a disturbance at a flat in Tooting. At 2.42pm, four police officers attended. They spoke to two of the three occupants of the flat and established that no crimes had taken place. During the police visit, Frank Jackson was found lying supine on the bed and snoring loudly. He had wet himself, was unrousable and made no purposeful movements throughout the police attendance. The officers concluded he was simply sleeping and did not conduct any assessment of Mr Jackson, or call an ambulance, before leaving. At 7.42pm, the London Ambulance Service (LAS) requested police help with a patient – Frank Jackson – who was in cardiac arrest. The same four officers re-attended the flat on London Road. At 7.53pm, London Ambulance Service staff declared that Mr Jackson had died. The cause of his death was later found to be multidrug and ethanol toxicity.

The inquest heard independent expert evidence from a Consultant in Emergency Medicine and Acute General Medicine that, had basic steps been taken to safeguard Frank Jackson’s airway and an ambulance been called to convey him to hospital, it is extremely unlikely he would have died. The inquest also heard from the MPS Senior Advisor for First Aid, Policy, Assurance and Training, that in October 2018 (more than a year prior to these events) the MPS had introduced training that officers should be aware that snoring can indicate a problem with a person’s airway, and that anyone identified as a casualty with noisy breathing should have their airway opened and cleared. This was formally written into training guides by April 2019 which two of the attending officers would have received (although in their evidence neither could recall having done so). Ms Warner said that officers were expected to use their common sense and experience in assessing whether to treat someone as a casualty. If a person was unresponsive, officers should conduct an ‘AVPU’ assessment of that person’s basic level of consciousness.

At the conclusion of the inquest, the Coroner found that Article 2 of the European Convention on Human Rights remained engaged. The jury found that Frank Jackson’s death was contributed to by: A failure by the police officers in their first attendance to London Road to take appropriate action; and A failure by the police officers to conduct an ‘AVPU’ assessment of Mr Jackson in line with their training. The jury commented: “This inadequate response denied Mr Jackson appropriate medical assistance”.

MoJ Changes To Indefinite Jail Sentences Do Not Go Far Enough

Haroon Siddique, Guardian: A UN torture expert has said changes to the imprisonment for public protection (IPP) scheme in England and Wales do not go far enough and repeated her call for prisoners jailed under the indefinite sentencing regime to be granted release dates. The changes, announced by the government in November, will mean that IPP prisoners, who can be recalled at any time when released on licence, can apply to the Parole Board to have their sentence terminated three years after leaving jail, rather than the current 10 years. Additionally, even if the Parole Board rejects their application, their sentence will automatically expire after a further two years if they are not recalled to jail in that time.

She cited as examples Wayne Bell, who has served 16 years on a two-year minimum tariff for punching someone and stealing their bike, and Aaron Graham, who has served 18 years on a three-year tariff for stealing a mobile phone. Edwards said the impact of the IPP regime was reflected in at least 86 suicides by such prisoners since the sentences were introduced in 2005, adding: “Perpetual uncertainty is wholly incompatible with the rule of law and is inhuman treatment.” She wrote to the government in August last year urging it to review all IPP sentences but has been left disappointed by its reply, sent last month. The letter states the UK government aims “to support all those continuing to serve the IPP sentence in prison by providing them with the opportunity to show they can be safely released by the Parole Board. Unfortunately, the government’s own statistics demonstrate that this will likely have a limited impact. In 2022 the justice secretary accepted just 38% of the Parole Board’s recommendations on IPP prisoners being moved to ‘open conditions’ – an important step towards release.”

Resentencing has been advocated by parliament’s justice select committee, the Centre for Crime and Justice and IPP campaigners. Speaking in the House of Lords on Tuesday 16th January, former lord chancellor Ken Clarke said it was “a major disgrace to the British justice system that these thousands of people are being kept in this way”. He called on the government to “consider something drastic” to address the injustice and said it should listen to campaigners. While the Ministry of Justice has often cited public safety when explaining its position on IPP prisoners, Edwards said this was misleading, adding: “The UK, like any society with a strong rule of law, has measures to protect the community after prisoners are released. Locking people up and ‘throwing away the keys’ is not a legal or moral solution.”

A Ministry of Justice spokesperson said: “We have reduced the number of IPP prisoners by three-quarters since we scrapped the sentence in 2012. We have also taken decisive action to curtail licence periods and continue to help those still in custody to progress towards release, including improving access to rehabilitation programmes and mental health support.”

Reoffenders: Sentencing

Janet Daby MP: To ask the Secretary of State for Justice, with reference to the College of Policing’s publication entitled Imprisonment and other custodial sanctions, published on 30 November 2023, if he will (a) make and (b) publish an assessment of the implications for his policies of the findings of that publication on the impact on reoffending of (i) custodial and (ii) non-custodial sentences.

Gareth Bacon MP Respdnded: The Government has no plans to publish an assessment of the implications of this publication, as the findings of the College of Policing’s report entitled ‘Imprisonment and other custodial sanctions’ support the findings of Ministry of Justice research. A 2019 MoJ analysis of a matched cohort of over 30,000 offenders shows that those who serve sentences of immediate custody of less than 12 months reoffend at a rate higher

than similar offenders given community orders and suspended sentence orders by the courts. Our statistics suggest that 55% of people given a custodial sentence of less than 12 months are convicted for further crimes. For offenders punished with Suspended Sentence Orders with requirements that are served in the community, the reoffending rate is significantly lower at 24%. Based on this evidence, the Government introduced the presumption to suspend short sentences as part of the Sentencing Bill, currently before Parliament. This measure will place a duty on the courts to suspend custodial sentences of 12 months or less. Offenders will then serve their sentence in the community and will be required to comply. When the court imposes a suspended sentence, they can impose requirements on the offender and the sentencing framework provides a flexible range of requirements, such as unpaid work, drug and alcohol treatment, curfew, and electronic monitoring, with the intention of punishing the offender, providing reparation to the community, and addressing any criminogenic or rehabilitative needs of the offender which may otherwise increase the likelihood of their reoffending.

Disclosure of Identities/Medical Data of Prostitutes Diagnosed With HIV

Breach of Their Right to Private Life: The case of *O.G. and Others v. Greece* (applications nos. 71555/12 and 48256/13) concerned the publication, by decision of the domestic authorities, of medical data concerning prostitutes who had been diagnosed as HIV-positive, and media coverage of them. It also concerned the circumstances in which they were required to undergo a blood test. In today's 23/01/2024 Chamber judgment in this case the European Court of Human Rights held, unanimously, that there had been two violations: a violation of Article 8 (right to respect for private life) of the European Convention on Human Rights, with regard to two applicants, on account of the blood tests they had been required to undertake. The Court considered that the blood samples imposed on two applicants had amounted to an interference with their private life and noted that this had not been in accordance with the law within the meaning of Article 8 of the Convention, given that the provisions of domestic law in issue ought to have been foreseeable with regard to their effects for the applicants. In particular, the Court noted that none of the provisions cited by the Government had been capable of justifying a medical intervention, whether carried out by police officers or doctors, such as that imposed on the applicants concerned. - a violation of Article 8 (right to respect for private life) of the European Convention with regard to four applicants, on account of the publication of data concerning them. The Court considered that the publication of the four applicants' data had amounted to a disproportionate interference with their right to respect for private life. These applicants' names and photographs and the information that they were HIV-positive, had been downloaded to the police department's website and broadcast by the media, and the prosecutor had not attempted to establish whether other measures, capable of ensuring less media exposure of the applicants, could have been taken in their cases. Lastly, the Court decided to strike parts of the applications out of its list where they concerned five applicants, four of whom had died. It also dismissed the complaints of certain applicants as being out of time or for non-exhaustion of domestic remedies.

Wetherby Young Offender Institution: Women Rachel Denber,

Janet Daby MP: With reference to the Answer of 19 December 2023 to Question 7116 on Wetherby Young Offender Institution: Females, what his estimate is of the cost to the public purse of a child placed in youth custody in the new Oasis Restore Secure School.

Edward Argar MP Respdnded: The Oasis Restore School is due to open in the spring. Current estimates suggest an annual cost-per-place of around £277,000.

Prisons: Drugs

Ruth Cadbury MP: To ask the Secretary of State for Justice, how many drug recovery programmes were delivered in prisons in (a) 2010, (b) 2018 and (c) 2023.

Edward Argar MP Respdnded: Drug treatment in prisons is commissioned by NHS England, and data from the National Drug Treatment Monitoring System is held by the Department of Health and Social Care. Published data on drug treatment in secure settings, including numbers in treatment, is available dating back to 2015. As part of the ambitious cross-Government Drug Strategy, the Ministry of Justice is rolling out a range of interventions to support prisoners off drugs and into recovery. This includes increasing the number of Incentivised Substance-Free Living wings from 25 in summer 2022 to 68 now, and testing a new approach to help prisoners with an opiate dependency achieve abstinence, with the opening of 7 abstinence-based Drug Recovery Wings. We are also recruiting dedicated staff in prisons to focus on tackling drugs, and supporting prisoners to engage with community treatment pre-release.

Majority Verdicts in England/Wales Brought in 'Partly for Racial and Class Reasons'

Haroon Siddique, Guardian: The introduction of majority verdicts in criminal trials in England and Wales was partly motivated by a desire to dilute the influence of minority ethnic people and the labouring classes serving on juries, according to research. The study, by the miscarriage of justice charity Appeal, said that while the widely accepted narrative for allowing majority verdicts – introduced by parliament in 1967 – as opposed to unanimous verdicts, was that it would prevent jury “nobbling” (corruption), there was another reason that was more disreputable. Delving into government files and other archival materials, the authors of the report, published in the journal *Race & Class*, found little evidence that “nobbling” was widespread, but that “an increase in eligible jurors from different racial and class backgrounds led to a perceived decline in the ‘calibre’ of jurors – reflective of wider public anxieties about Commonwealth immigration, Black Power and white disenfranchisement”.

The report, *Majority Jury Verdicts in England and Wales: A Vestige of White Supremacy?*, draws parallels with the 2020 landmark case in the US, *Ramos v Louisiana*, that outlawed majority verdicts for serious crimes amid recognition of their racist origins, including evidence that they were introduced in Louisiana in 1898 to suppress the votes of black jurors following the abolition of slavery. In the US, where Oregon was the only other state that allowed majority verdicts at the time of the supreme court ruling, it is argued that majority verdicts remove a safeguard against wrongful convictions, the authors said. By contrast, in the UK, it has been argued that majority verdicts could safeguard against juror bias by preventing one or two prejudiced jurors from dictating decision-making. Appeal said wrongful convictions by majority verdicts, which allow up to two jurors out of 12 to dissent or one where there are 10 or 11 jurors, in England and Wales included the cases of Andrew Malkinson and Winston Trew, one of the Oval Four.

Nisha Waller of Appeal, who co-authored the report with Naima Sakande, said: “The references to women, racialised minority people and the working class as less capable of performing jury service are not prejudicial comments of the past – they are a relic in today’s jury system. “While juries are hailed as the fairest component of the legal system, restrictions on doing research with real juries in real cases prevents a definitive assessment of their fairness. Our commitment to the good value of juries does not exempt them from rigorous scrutiny. The potential silencing of certain jurors’ voices through majority convictions should be a concern for us all. Unless we are saying that dissenting jurors are always unreasonable, their votes inherently represent reasonable doubt.”

In 1963, the Home Office set up the departmental committee on jury service (“the Morris committee”) at a time when juror eligibility depended on householder status but national property revaluations had recently qualified people from more diverse backgrounds for that status, the report says. “Written evidence to the committee was submitted from many civil society organisations, trade unions, legal membership bodies, government departments and individuals, many of whom were concerned that an expanded juror pool, which included the ‘labouring classes’, immigrants and ‘coloureds’, would taint the ‘calibre’ of decision-making and educational aptitude necessary for jury duty,” the authors write.

In the House of Commons, MPs variously expressed support for the end of the requirement of unanimity because of the end of the “middle-class, middle-brain jury” and “a situation where everyone ... good, bad or indifferent, is a possible juror”. The report said majority verdicts accounted for about 15% of annual convictions after a crown court trial, “meaning a significant number of defendants are convicted each year where at least one juror was not sure of their guilt”. Trew, an expert adviser to the project and who was “fitted up” by a racist police officer, said he was fascinated by its findings. “I have since wondered whether the 10-2 majority verdict was the result of the two black jurors on our jury not accepting the police’s untrue version of events,” he said. “I suppose I’ll never know for sure.”

Convicted Murderer Fears Prison ‘Hit’ as Victim’s Family Campaign for Release

Emily Dugan, *Guardian*: A man in prison for a murder of which the victim’s family believes he is innocent says he fears for his life after learning intelligence of a hit ordered on him. Jason Moore’s conviction for stabbing to death Robert Darby in an east London pub car park in 2005 relied heavily on witness testimony that is now in doubt. The victim’s brother, Tim Darby, is among those campaigning for Moore’s release. Just weeks after Moore made a fresh application for his case to be referred back to the court of appeal, intelligence of a £10,000 reward to have him stabbed in prison emerged. Police are investigating and Moore is in solitary confinement in HMP Oakwood for his own protection. Speaking from prison through a relative, Moore, 54, said: “My life has been a nightmare for the last few days.” He said that the unknown person ordering a hit “sent photographs and prison numbers to people, so the threat is very credible”.

The situation has prompted Moore’s lawyer to request that the miscarriage of justice body, the Criminal Cases Review Commission, expedites his case, given the potential risk to him and witnesses. Moore said he hoped the CCRC would understand the urgency of the situation. “I’m a lot more concerned now ... so they mustn’t drag their feet. They need to deal with this ASAP so nothing can go wrong for me, hopefully. He added: “They’ve got to realise now that they can’t take forever to look at this because all the time they’re dragging this out I’ve got this hanging over me.” Moore was a professional gambler with no previous convictions for violence. He is more than a decade into an 18-year sentence with little hope of release soon because he refuses to do courses that would force him to admit to the crime.

The fresh application to the CCRC focuses on new evidence from the only witness to identify Moore in a lineup. The witness initially picked out a volunteer who looked nothing like Moore and told the Romford Recorder last year that he was in fact drunk at the time of the incident and got only a fleeting glance. The new CCRC application also alleges that when the body turned down Moore’s last application it inaccurately summarised the position of another witness. Intelligence about a hit followed the arrival of a suspicious package at the prison in December that his family said appeared to be an attempt to frame him for an escape plan.

Moore’s sister, Kirstie Moore, said this was the third time that a breakthrough in her brother’s case had prompted threats. She said that when his first CCRC application was submitted in 2020 she was threatened with acid and that when he launched an appeal in 2017 his girlfriend received a warning from police that her life was in danger. “Every time we go with the hope of Jason’s case being reinvestigated, all of a sudden, all this activity of threatening behaviour happens,” she said.

A spokesperson for G4S, which runs the prison, told the *Guardian* it took the threat very seriously and that after a full security assessment Moore was moved to a safe space. A CCRC spokesperson said: “An application has been received related to this case. It would be inappropriate for us to discuss the application or make any further comment at this stage.” A spokesperson for Essex police said: “We are investigating an allegation of threats made against an individual following a referral by colleagues with Staffordshire police.” They said the investigation was at an early stage and that they had contacted the informant to progress it.

Assaults In Women’s Prisons Hit Record High - With More Violence Than Men’s Jails

Andy Gregory, Guardian: ‘Broken system is letting women down at every turn,’ experts warn - Women’s jails are the most violent they have ever been, with assaults tripling in a decade to hit an all-time high, according to “shameful” new figures laying bare the havoc and despair in Britain’s overcrowded prison system. With 488 assaults for every 1,000 inmates, the rate of violence in the 3,600-strong women’s prison estate – which saw a total of 1,630 assaults in the year to September – is now far worse than among men, where the rate is 40 per cent lower.

While serious violence has historically been much worse in men’s prisons, the rate in the women’s estate is now almost identical for the first time with 110 serious assaults, 39 of them against prison staff. In one instance illustrating the link between violence and unmet mental health needs, reported in May by the Independent Monitoring Board, two women with mental health needs housed in the segregation unit at Peterborough were said to be so violent that it took four officers to unlock their cells. Steve Gillan, the Prison Officers Association chief, told *The Independent*: “Many of our members are facing life-changing injuries and something needs to change dramatically in how our prisons are run. They are often victims of crime and abuse, and often suffer from complex mental health problems and drug addiction, added Andrea Coomber KC, chief executive of the Howard League for Penal Reform. Echoing concerns over prisons being used as a so-called “place of safety” for women, Ms Coomber told *The Independent*: “Too often, shortages in hospital places and community interventions mean that vulnerable women are ending up in jails instead of getting support.”

Once behind bars, overcrowding and understaffing in jails mean prisoners are being given less meaningful activity and time out of their cells, while often being unable to access the mental health support they need, experts warned. “Violence often arises when severely distressed women are having to live in conditions that re-trigger the trauma of abuse and neglect many of them have experienced,” said Ms Sinha. “Despite all their best efforts, prison staff are not equipped to provide specialist, trauma-informed services.” When prisons are this overcrowded, they become completely ill-equipped to deal with the scale of trauma and despair amongst the prison population. Self-inflicted deaths, self-harm and assaults are all up,” said Ms Sinha, adding: “We are failing these women and the staff that work with them. Overcrowding and understaffing with no meaningful activity for prisoners leads to our members being assaulted on a regular basis,” he added. “It is totally unacceptable and we call on HMPPS and government to deal with it robustly so that our members are safe at work. Behind the shocking rises in self-harm and assaults are women who are desperate and deeply traumatised. The vast

majority of women are sent to prison for non-violent offences yet a prison sentence sets off a grenade in their lives. They lose their job, home, children. Then at this time of crisis they are thrown into the inherently traumatising environment of prison.” Many women end up in prison after “falling through the cracks” of other social services, said Pia Sinha, chief executive of the Prison Reform Trust, with prisons expected to deal with the consequences of a “woeful lack of adequate mental health provision in the community”.

Malicious Prosecution Aggravated by Homophobia: Claim Against Police - Settled

Doughty Street Chambers: A prominent and successful businessman who claimed substantial damages for malicious prosecution, misfeasance in public office, breach of the Equality Act 2010 and breach of the Data Protection Act accepted an out-of-Court settlement from the defendant police force only a few weeks before his trial was to begin, and after several years of robust litigation. The Claimant's evidence included a recording of homophobic sarcasm on the part of the officer in the case. Nick Stanage successfully represented the Claimant on direct access after a national firm of solicitors and two KC's had (on their assessment of the merits) abruptly ceased to act in the case and declined to represent him at trial. The Claimant stated 'Specialist legal representation here has made all the difference. I hope no other member of the public has to endure what the police put me through during the baseless investigation, the malicious prosecution and the subsequent litigation'.

Prisoners With Severe Mental Health Needs Spending Months in Isolation

Rajeev Syal, Guardian: A prisoner who repeatedly self-harmed spent more than 800 days in segregation, according to a damning report that reveals that jails are using isolation to manage severe mental health needs. The inmate, who was detained under the imprisonment for public protection (IPP) scheme, is one of dozens with severe psychological issues who have been held for months at a time in isolation, the Independent Monitoring Board (IMB) has concluded. Observers at a high security prison found that the inmate, identified in the report as “Mr H”, had been diagnosed with a personality disorder and had repeatedly self-harmed. He was temporarily transferred to a specialist psychological unit but his behaviour deteriorated, and he was returned to a segregation unit again. Prisoners with severe mental health needs who require care in a secure hospital or psychiatric intensive care unit should be transferred within 28 days, as set out by NHS England guidance. Mental Health Act reforms were due to make the 28-day transfer target a statutory requirement. However, the bill was not included in the king's speech in November, meaning it will not be passed in this parliament.

The IMB report, released on Thursday, said the Prison Service too often uses segregation in care and separation units (CSUs) as a way of managing prisoners with severe mental health needs. It uncovered numerous examples of mentally unwell prisoners being held in isolation. They include a man with autism, a schizophrenia diagnosis and displaying severe ADHD symptoms spending almost nine months in a category C prison's segregation unit, during which time his mental health dramatically deteriorated. Another prisoner with complex mental health needs was segregated for 300 days while awaiting assessment for transfer to a secure mental health hospital. By the time he was assessed and transferred, he had spent more than 550 days in the segregation unit – nearly 20 times the target transfer time.

Elisabeth Davies, the IMB chair, said: “Too often, the Prison Service is using CSUs as the default setting to manage and care for men with severe or challenging mental health needs. These units

are holding bays for those who face lengthy delays prior to transfer to a more appropriate secure setting, stuck in CSUs because there is simply nowhere else for them to go.” The report was compiled after surveys of monitoring boards at 30 prisons, which was completed in the spring. Nearly all of the prisons had held men with mental health needs in CSUs, the survey found. There was a lack of capacity in prison healthcare units and there were delays in referrals, assessments and transfers, the report said. Some prisoners struggled to cope in residential wings. Campbell Robb, the chief executive at the charity Nacro, which helps people in prison and on their release, said the policy of holding people with mental health needs in isolation was “completely wrong”, adding: “These are vulnerable people at a moment of crisis – they deserve support, treatment and stability, not to be made to pay the price for our overstretched prison and health services.” A government spokesperson said: “Segregation is an absolute last resort for those deemed a danger to themselves or others. Prisoners are entitled to the same care as they would receive in the community, which is why we guarantee the most vulnerable individuals are able to access mental health support tailored to their needs.

Austerity has Led to Record Number of Children in Care

Rishan Rajagopal, Justice Gap: ‘austerity’ cuts contributed to a rise in the number of children in care, says senior judge. Sir Andrew McFarlane, the most senior judge in the family courts, has explained to the BBC that cuts to local authority funding left social workers with limited options to provide care to children in the community. As a result, they were forced to apply to court to take the children into care. The number of children in the care system has reached nearly record levels of 84,000. He also discussed how budget cuts and increased workload has contributed to substantial delay in the family court system. By standard, care cases should typically be completed within 26 weeks but this has been regularly exceeded with the average case taking up to a year. The Justice Gap has previously reported that the length of family court disputes has increased by a third in the past 10 years. Also discussed issues around transparency within family courts. There have been multiple calls for more openness within family court proceedings. New transparency orders have been rolled out in a pilot scheme across three regions, Cardiff, Carlisle, and Leeds. These orders allow for media reporting in family cases provided they abide by strict laws. Journalists may report what they see and hear in court, but should protect the identities of the families involved by anonymising them. While there has been criticism of increased reporting in family court proceedings having the potential to compromise privacy, Sir Andrew reassured that the reporting in the pilot scheme had been ‘of a high quality’ and ensured the anonymity of the families involved.

2023 Safety in Custody Statistics??? Of 311 Prison Deaths - 93 Were Self-Inflicted

Prison Reform Trust: In the 12 months to December 2023, there were 311 deaths in prison custody, an increase of 3% from 301 deaths in the previous 12 months. Of these, 93 deaths were self-inflicted, a 22% increase from the 76 self-inflicted deaths in the previous 12 months. In the most recent quarter there were 85 deaths, a 13% increase from 75 deaths in the previous quarter.

Responding to the publication of the Ministry of Justice's Safety in Custody Statistics today, Pia Sinha, chief executive of the Prison Reform Trust, said: “Today's figures are a shameful reflection of the state of our prison service. When prisons are this overcrowded, they become completely ill-equipped to deal with the scale of trauma and despair amongst the prison population. Self-inflicted deaths, self-harm and assaults are all up. For women in prison both the number and rate of self-harm are at the highest level ever recorded.