

MOJUK: Newsletter 'Inside Out' No 930 (21/12/2022) - Cost £1

Castlewellan Murder Convictions Reconsidered by CCRC & Referred to the CoA

The case of three men, jailed for a 1970s murder they have always denied, is to be re-opened. George Kirkpatrick and brothers Eric and Cyril Cullen, known as the Castlewellan Three, were jailed for the murder of Francis Rice. The 17 year old was killed in the small County Down town in May 1975. The Criminal Case Review Commission (CCRC) has decided there are now grounds to question the safety of the convictions. They were asked to reassess the case in 2018, after a BBC Spotlight investigation cast serious doubt on the men's guilt.

Catholic teenager Francis Rice was abducted and stabbed to death. His body was dumped in a laneway. The killing was claimed by the Protestant Action Force - a cover name for the UVF. In 1981, Kirkpatrick and the Cullens received life sentences for the killing although none was ever involved with paramilitaries and refused to serve their time on the loyalist prison wings. The judge in the case offered them reduced sentences if they pleaded guilty but they refused. The only evidence against the trio was their signed confessions which they claimed they were tricked and coerced into making during police interviews. The judge said he believed in the honesty of the RUC officers involved in the case.

However, Spotlight revealed that several officers who interviewed the three men were later discovered to have re-written and lied under oath about police interview notes used in another case, to convict four other men of murder. Lawyers for the Castlewellan Three have said this casts serious concerns as to the officers' credibility as witnesses of truth. They argued that had the judge known of this dishonesty, it could have changed his mind about admitting the alleged confessions into evidence in 1981.

George Kirkpatrick and Cyril Cullen have both died in recent years. Eric Cullen, now in his mid-60s, is the only surviving member of the Castlewellan Three. His solicitor, Conor Moylan of Madden and Finucane, said: "We welcome the decision by the CCRC to re-open the case and look forward to presenting the evidence before the Court of Appeal that shows the convictions are unsafe. The behaviour of the RUC officers who extracted the false confessions is indefensible. Sadly, George Kirkpatrick and Cyril Cullen passed away before they were able to see their case brought back to the Court of Appeal to clear their names and reputations." Their relatives will attend the court to support the appeals. The officers involved in the case have always denied any wrong doing.

Does Restorative Justice Have Any Value?

Rusell Webster: Economic evaluation of Restorative Justice by the charity Why me? compares restorative interventions for victims of crime and offenders with the conventional justice system. The research analysed the economic impacts of Restorative Justice interventions, including impacts on reoffending and its direct benefits to victims. This project represents an innovative approach to demonstrating the value of Restorative Justice. Economic evaluations are under-utilised in the social sector, but are compelling in demonstrating the best possible outcomes in the prevention of crime with limited resources. The partnership between an experienced economist, Frank Grimsey Jones, and Why me? conducted a rigorous piece of research which is designed to make a substantial and lasting contribution to the Restorative Justice evidence base and impact decision making. Helpfully, Why me? has published the model so that other

RJ organisations can calculate their own cost benefits via an accessible and user-friendly template via an Excel spreadsheet. The videos below feature Mr Jones explaining how to use the model.

Findings: The results of this research present a strong argument for investment in Restorative Justice, showing that Restorative Justice can reduce reoffending, save money and help victims to recover. This is before accounting for the broader benefits of Restorative Justice in improving perceptions of justice amongst victims and society. The evaluation found that each direct Restorative Justice intervention reduced the average number of reoffences in the first year from 27 to 19. Overall, the cost-social benefit ratio of Restorative Justice was £14 per £1 invested. Of this, the direct return on investment for the criminal justice system was £4 per £1 invested. The additional benefits are related to the financial benefits and increased wellbeing for victims of crime and society.

The cost of delivering Restorative Justice, from referral to intervention, was the most important source of uncertainty. However, the cost-social benefit ratio remained substantial (£11 per £1), even when the cost of delivering Restorative Justice was increased by 50%. This demonstrates that the results were robust to uncertainty. It was not possible to robustly model the total expected benefits if access to Restorative Justice was increased nationally. Nevertheless, for illustrative purposes, an increase in Restorative Justice referrals for this cohort, from 15% of eligible cases to 40% of eligible cases would require a £5 million investment but would lead to total benefits of £76 million. The model suggests that this would save the criminal justice system £17 million. This cost benefit analysis adds to the strong evidence base which demonstrates that increasing access to Restorative Justice should be a policy priority for national and local decision makers.

Motivation: Why me? undertook this work because, while Restorative Justice interventions have been used in the UK for some time, and all victims are required to be offered Restorative Justice under the Victim's Code of Practice, it remains the case that only a small minority of people affected by crime receive access to it. Only 5.5% of victims with a known offender recall being offered Restorative Justice. More investment is needed to ensure that everyone affected by crime can access Restorative Justice. The social sector often relies on value-driven reasons for investment, particularly individual stories, or needs-based arguments. Why me? wanted to use economic evaluation and modelling to be certain that money is being used to best effect and to build the case for further investment into Restorative Justice.

Existing studies have the disadvantage that they model the impact of a Restorative Justice intervention carried out in a specific way, in a specific place, at a specific time, as is typical of trial based economic evaluations. That is the reason behind Why me? creating an up-to-date and accessible economic model to communicate the value of Restorative Justice and encourage other RJ organisations to do the same.

Most Convicted Terrorists Radicalised Online

Vikram Dodd, Guardian: Most convicted terrorists in Britain were turned to extremism by the internet, with half of those radicalised online having some problems with mental health, personality disorders, depression, or autism, the most authoritative study of its kind has found. The study for the Ministry of Justice, released on Thursday, examined official risk assessments of every convicted terrorist in prison since 2010 in England and Wales. The majority were radicalised at least in part online – a trend caused by technology and the tactics of groups such as Islamic State.

While those incited to carry out or support violence online make up the majority of terrorists, their plots, according to the study, are less likely to succeed. The research challenges conventional wisdom that the growth of internet radicalisation by Islamists and the extreme right

allows terrorism to fester out of sight of the security services and police. The researchers from the prison and probation service, as well as Nottingham Trent and Bournemouth Universities, were given access to Extremism Risk Guidance 22+ forms. These are written for the prison and probation services and assess the commitment to terrorism, as well as the danger posed by convicted terrorists. The forms include material from counter-terrorism policing.

For all convicted terrorists in jail from 2010 to 2021, 490 records were retrieved and 437 studied in detail. Nine out of 10 terrorist prisoners were male, 44% were aged 25 or under when convicted, and seven out of 10 were British-born. The study finds 4% were convicted for animal rights violent extremism, 18% for extreme rightwing terrorist offences, and 72% for Islamist-incited offences.

The study reveals the growing importance of the internet to its current-day dominance in radicalisation. In 2013–15, 43% of those in prison for terrorism were radicalised wholly or in part online. That figure rose to 84% in 2016–18, and between 2019–21 was 92% of those convicted. The latter figure may have been further inflated by Covid lockdowns. From 2015 onward, IS launched an intense online propaganda war, with the far right mimicking its strategy as they tried to gain recruits. For those radicalised online between 2010 and 2021, 28% had previous convictions for any crime, and 15% of these were for violent offences. None had a past terrorism conviction, 4% had a past conviction for a terrorism-related offence, 42% has a “strong presence” of mental health issues, neuro-divergence and personality disorder, and 9% had these partly present.

In contrast, it is estimated one in six adults in England have a common mental disorder, and one in eight people aged 16 or over screened positive for any type of personality disorder. The study looked at those convicted of terrorism, and its findings are echoed by other work on mental health and terrorism. The emerging importance of mental health as a factor has also been seen by the Prevent programme, which tries to stop people from being radicalised in the first place. Last year the Guardian revealed that up to seven in 10 people referred to the scheme may experience mental ill health or other vulnerabilities that could leave them susceptible to falling for propaganda from violent extremists. Those involved in Prevent believe such psychological problems are much more of a potential factor than first thought.

Terrorists whose records were examined for the study include Roshonara Choudhry, convicted in 2010 of trying to assassinate the Labour MP Stephen Timms. The student wanted to die as a martyr after watching more than 100 hours of extremist video sermons on YouTube. It also studied the ERG of Darren Osborne, convicted of the 2017 attack on worshippers leaving Finsbury Park mosque, who self-radicalised in three weeks. The study showed that, for those radicalised on the internet, 84% were convicted for non-attack offences such as spreading propaganda or fundraising; 16% for offences plotting violence; 85% were lone actors; 7% had suffered a head or brain injury; 75% were convicted of offences supporting the Islamist cause and 25% other ideologies, the biggest of which was fuelled by extreme rightwing beliefs.

For those radicalised primarily face to face, half had past convictions, more than a third for violence and 5% had past terrorism convictions; 19% had any sort of mental health issue or vulnerability, and 51% of these offenders were convicted for planning attacks. Only 6% were lone actors, 58% were Islamist, and 42% had other ideologies. For those who primarily radicalised online, the most common types of plots included the use of an improvised explosive device (IED, 65%), a bladed weapon (24%) or a vehicle (12%). Only the minority of plots moved from planning to the execution stage (29%), with 18% of plots successfully completed. For this pathway group, all thwarted plots were disrupted by the police or security services (100%), suggesting that the online traces of those who primarily radicalised online make it

more difficult for them to progress substantially in their attacks and bring them to the attention of the police or security services more readily. This interpretation is also supported by the finding that attackers who primarily radicalised online were most likely to signal their attacking intent compared to the other pathway groups. These findings also counter the popular notion that the Internet helps create an undetectable threat of lone actors.”

Those radicalised online were less committed to the ideological cause, and assessed as less capable than those recruited face to face. The three broad types of radicalisation are online, real world and a mix of both. The report finds recruits to extreme rightwing ideologies, using online forums including Iron March and Fascist Forge. An app originally designed for gamers called Discord was also sometimes used. The report notes that some incited to support Islamist terrorism were radicalised by games such as Call of Duty. The MoJ said the views expressed in the report are those of the authors and “are not necessarily shared” by the department, adding: “Nor do they represent government policy.

2,000 On Remand For More Than a Year

In September, there were 2,079 people in jails in England and Wales who had been on remand for 12 months or more. Of these, 770 had been inside for two years or more. The figures – disclosed on November 25 by Lord Bellamy in a House of Lords written answer – highlight a rise in the overall remand population to record levels. Quarterly figures published by the Ministry of Justice in October show that there were 14,507 people on remand in English and Welsh prisons in September, which is the highest figure in at least 50 years. Remands made up 18 per cent of the total prison population. Between 2016 and 2020 the remand population was below 10,000. A comment by an MoJ statistician, published with the October figures, said: “There were increases over the past 12 months in both elements of the remand population – the ‘untried’ population increased by 15 per cent and the ‘convicted unsentenced’ population increased by 5 per cent. This likely reflects the impact of partial court recovery following COVID-19 restrictions, resulting in an increase in the number of prisoners held on remand. The large increase in the ‘untried’ population this quarter has likely also been driven in part by strike action by the Criminal Bar Association during the month of September 2022, but it increased as the Covid pandemic, and then the barristers’ strike this summer, caused courts to be closed and trials to be delayed.”

1,000 Prison-Leavers Given Alcohol Tags

Almost 1,000 people leaving prison have been fitted with alcohol-detecting tags since the technology was introduced a year ago. Alcohol tags were first used in Wales in November 2021, and were extended to England in June 2022. They can detect whether the wearer consumes alcohol, and people who breach drinking conditions in their release licence risk being returned to prison. The Government expects 12,000 people to be fitted with the tags over the next three years – including prison-leavers and people serving community sentences. Announcing the figures, Prisons Minister Damian Hinds said: “When more than a third of all violent crime is fuelled by alcohol, these tags provide vital monitoring to help cut reoffending and protect our communities.” The Ministry of Justice released a statement from a 22-year-old woman in Cardiff who it referred to as Natasha (not her real name). She has been on one of the tags since the beginning of September, and said: “I was nervous about being tagged but it does help. It’s a physical reminder for me not to drink. I’ve been on probation before but this time I’m doing really well. I’m sober and not getting in trouble.” Before they were introduced for prison-leavers, the alcohol tags came into use in October 2020 for people serving community sentences. Since then, 5,939 alcohol tagging orders have been handed down by judges and magistrates.

Women and the Criminal Justice System (CJS)

1: Women throughout the CJS - Most readers will know that women make up slightly more of the population but are in the minority throughout the CJS. However, the information below shows a complex picture. Women comprise just 15% of arrests but 21% prosecutions. Women make up just 4% of the prison population but 7% of immediate custodial sentences. 2: Homicides - In 2020/21, 594 homicides were recorded; 70% of victims were male and 30% female. In over half (54%) of female homicide victims (where the suspect was known), the suspect was their partner or ex-partner. (See my coverage of femicide here.) 3: Sentence length - In 2021, the average custodial sentence length for male offenders was 22.7 months compared to 14.5 months for female offenders. A greater proportion of female offenders are sentenced for offences that tend to receive shorter sentences. 4: Short sentences - Women were serving shorter custodial sentence lengths. As at 30 June 2022, 17% of females and 7% of males were serving sentences of less than 12 months. 5: Complex needs - In the 2021/22 HM Inspectorate of Prisons survey, women reported a high level and breadth of personal need. Compared to men, a higher proportion of women reported: self-declared mental health problems, physical disability, having drug and alcohol problems, money worries and housing worries. 6: Self-harm - A higher proportion of female prisoners self-harmed in 2021. In 2021, the number of individuals who self-harmed per 1,000 prisoners was 350 for females and 135 for males. The number of instances of self-harm per self-harming individual was over twice as high for females at 10.6. 7: Racial disparity - Ethnic minority groups accounted for a higher proportion of prosecutions against males compared to females. In 2021 Black men were particularly over-represented, accounting for 12% of all male prosecutions. This compared to Black women accounting for 7% of all female prosecutions. 8: First time offenders - A higher proportion of female offenders were first time offenders, than males. Of all female offenders cautioned/convicted in 2021, 35% were first time offenders (compared to 22% for males). 9: TV licence evasion - TV licence evasion was the offence with the highest proportion of female defendants in 2021. In 2021, 75% of those prosecuted for TV licence evasion were female. This offence accounted for (a, frankly, staggering) 18% of all female prosecutions. 10: Theft from shops - Theft from shops was the most common indictable offence for female defendants in 2021. This offence accounted for 21% of all female prosecutions for indictable offences, compared to 8% for males. Of the 19,900 defendants prosecuted for theft from shops, 5,600 (28%) were female. (Source, Russell Webster, Solicitors)

Does Dominic Raab Understand What is Being Done in His Name?

Prison Reform Trust director, Peter Dawson has submitted a formal complaint to the Ministry of Justice's top civil servant following failure to respond to request for further information on the impact of parole reforms. Back on 21 July this year, shortly after Dominic Raab had dramatically changed the criteria for transfer to open conditions, we wrote to the then prisons minister asking a series of detailed questions about those changes and their impact. We eventually got an answer on 1 September and that said that our request for statistics — exactly how many people were getting what decisions and on what grounds — would be handled as a Freedom of Information (FOI) request. FOI requests are required to be responded to within 20 working days, so the department was already late in answering the letter from 21 July. But at least it seemed clear that a response would now be prepared.

In answer to a question from James Daly MP, [Raab] said that the number of cases affected by the change in criteria on open conditions would be “not a huge amount”. But we already know from

the Parole Board that 94% of their recommendations are now being rejected, where previously 87% were accepted. But over four months since the original request for data, we're still waiting, so we've submitted a formal complaint to the Permanent Secretary at the Ministry of Justice — the top ranking official — Antonia Romeo. It's ridiculous that the department hasn't made the data available — not least because the Parole Board gave us what it knew within a couple of weeks of being asked. But it's also really important that we do get the department's numbers, because their own Secretary of State, Dominic Raab, seems to be in the dark about what's happening.

Raab gave evidence to the Justice Select Committee on 22 November. In answer to a question from James Daly MP, he said that the number of cases affected by the change in criteria on open conditions would be “not a huge amount”. But we already know from the Parole Board that 94% of their recommendations are now being rejected, where previously 87% were accepted. We also know that the proportion of pre-tariff sift requests being referred to the Parole Board has dropped from over 50% to 12%. It would be hard to imagine a more dramatic shift in decision-making following a policy announcement. Perhaps the justice secretary and Deputy Prime Minister doesn't understand, or perhaps he doesn't know what's being done in his name. Either way, there can be no excuse for the department keeping it secret.

Concerns Over Wrongful Convictions - Parliament Launch Inquiry

Abdallah Barakat, Justice Gap: A parliamentary investigation has been launched into quality concerns over forensic science leading to wrongful convictions. The immediate past regulator Dr Gillian Tully last year described the sector as ‘lurching from crisis to crisis’ highlighting concerns about miscarriages of justice and today the All-Party Parliamentary Group on Miscarriages of Justice (APPG) announces a new inquiry co-chaired by the leading experts Baroness Sue Black and Professor Angela Gallop. The Westminster Commission on Forensic Science will be taking evidence over the next 18 months and seeking submissions from forensic scientists, academics, lawyers and police investigators as well as victims of miscarriage of justice and their representatives.

‘Sometimes we need to be reminded that “science” is the most important word in forensic science,’ commented Baroness Black, a forensic anthropologist with extensive experience in war crimes investigations, mass fatality events and complex casework. ‘Robust and appropriate science requires constant testing and retesting, it needs research funding to develop and it relies heavily on practitioners who must be highly skilled, experienced and well trained. If science is to be used effectively and appropriately to support a fair and just investigative process, then there can be no tolerance for shoddy science or scientists.’

This work follows last year's APPG report into the Criminal Cases Review Commission, co-chaired by two members of the APPGMJ Baroness Stern and Lord Garnier QC. The Law Commission has taken on board one of its key recommendations and started a review of criminal appeals. Earlier this month Barry Sheerman MP and Sir Bob Neill, co-chairs of the APPG, with Andy Slaughter MP met with the Law Commission. The APPG is restructuring the way it runs and will be conducting its next phase of work under the Future Justice Project supported by Glyn Maddocks KC (hon) and Justice Gap editor Jon Robins as special advisers. The work will be organised into five committees: science and the courts (including the Westminster Commission on Forensic Science); media; legal policy; legal profession; and criminal appeals. More details will follow.

It has been ten years since the Forensic Science Service was closed. At the time there were widespread concerns that the reasons for its closure, which had also started to affect other suppliers of forensic services, would lead to wrongful convictions. For example, a New

Scientist (2012) survey, conducted immediately before the closure, reported that 76% of forensic scientists predicted an increase of miscarriages of justice. They identified as concerns pressure to produce results, insufficient time to evaluate cases, and reduced impartiality.

‘Forensic science has now become so powerful that you don’t need to be able to see a trace of potentially relevant material to get a result from it,’ Prof Gallop explained. ‘This means that it is increasingly important to ensure that the right tests are applied by properly trained scientists to the right items, and the results are carefully interpreted in the context of the specific case at hand. If any of this doesn’t happen, then forensic science will not only fail to prevent miscarriages of justice but is likely actively to contribute to them. Along with many other forensic scientists I am sure this is happening already.’

Prof Gallop has been a practising forensic scientist for nearly 50 years and worked on the UK’s most complex criminal cases including the murders of Stephen Lawrence and Rachel Nickell, and manslaughter of Damilola Taylor. She added that the new Westminster Commission would therefore explore all aspects of forensic science and its role in the criminal justice system and ‘identify imaginative, timely, and cost-effective ways of avoiding the serious risks to fairness and justice currently associated with its use’.

The immediate past forensic science regulator, Professor Gillian Tully, in her final report last year, described her six years’ tenure as ‘fraught with financial, reputational and capacity problems’. Speaking to Channel Four News earlier this year, she warned of the absence of accreditation leading to miscarriages of justice. ‘When it comes to the interpretation of CCTV images it is difficult for us to have the assurance that it is done properly across the board. As far as I am aware none of the organisations or carrying out the interpretation of the images has achieved the quality standards set by the forensics science regulator,’ Prof Tully told Channel Four.

Barry Sheerman has said that ‘our reputation as the global gold standard for forensic sciences’ had been ‘badly tarnished over the last decade’. ‘Today we launch an investigation into the state of the sector and we do that as a result of our concern that the innocent are being wrongly convicted,’ he added. The Westminster Commission on Forensic Science will ‘shine a light on the sector and how its ‘products’ are used, and make recommendations to drive up quality and reliability in this important but overlooked corner of the justice system’.

‘Over the last five years since we started our work, we have heard from lawyers specialising in criminal appeals as well as families about their concerns about the role of forensics leading to wrongful convictions and enabling the real criminals to escape scot-free,’ said Sir Bob Neill MP. ‘We have also noted with increasing alarm the consistent warnings both from forensic scientists themselves and the Forensic Science Regulator which have gone unheeded. At the heart of many of the notorious miscarriage of justice scandals in the past – from the Irish cases, such as the Birmingham Six and Guildford Four, to Barry George and Shaun Hodgson – is the issue of forensics. The misapplication of forensic science can and often has resulted in the wrongful conviction for many years of the innocent. But pioneering forensic approaches can lead to wrongful convictions being overturned and justice restored.’

The Westminster Commission on Forensic Science: *Professor Dame Sue Black* is a forensic anthropologist with extensive experience in war crimes investigations, mass fatality events and complex casework. She is currently the President of St. John’s College, Oxford and a cross-bench peer. *Professor Carole McCartney* is Professor of law and criminal justice at Leicester Law School. Carole has been researching issues around criminal evidence and forensic science for over 20 years, and has written on miscarriages of justice, international

policing cooperation, DNA and biometrics, forensic science and criminal justice more widely. *Steve Wilkins* is a former detective chief superintendent and member of the Association of Chief Police Officers’ homicide and kidnap and extortion working groups. A specialist in covert intelligence, he was head of intelligence for the UK in relation to serious and organised crime. His investigation of The Pembrokeshire Coastal Path Murders, combining cutting edge forensics and modern investigation techniques, is regarded as the blueprint for murder investigations. *Katy Thorne KC* is a criminal and inquest barrister practising from Doughty Street Chambers. She has a long-standing specialism in expert evidence and is an editor of *Mason’s Forensic Medicine for Lawyers*. She has lectured on the use of expert evidence in the criminal courts and trained the National Crime Agency on providing expert evidence. *Professor Angela Gallop* has been a practising forensic scientist for nearly 50 years. She is known for setting up and running full-scale forensic science laboratories as well as leading the scientific teams that have provided evidence in many of the UK’s most complex criminal cases including the murders of Stephen Lawrence and Rachel Nickell, and manslaughter of Damilola Taylor. She also has a long-standing association with the oldest academic centre for forensic science at the University of Strathclyde. *Dr Philip Avenell* is a forensic scientist. Trained as a forensic biologist and DNA expert, Philip has extensive casework and casework management experience. He has worked in both public and private practice, led forensic research and development programmes, and implemented and developed quality standards in operational forensic laboratories. *Neil Denison* originally trained as a fingerprint expert and is currently director of Yorkshire and Humberside Regional Scientific Support Services responsible for crime scene investigation, fingerprint and footwear comparison, forensic collision investigation and digital forensics capabilities. As a recognised leader in forensics, he sits on several national and international forensics boards and committees.

Scottish Prisoners Issued With Mobile Phones

First Minister Nicola Sturgeon has defended Scotland’s policy of providing every prisoner with a mobile phone – saying it is vital to maintain family ties and promote rehabilitation. She told the Scottish Parliament: “Prison is about punishment, yes, but it should also be about rehabilitation. It is important that we do not lose focus on that. Mobile phone provision is about ensuring connections between prisoners and families, including children. That is important to rehabilitation, and rehabilitation is important to reducing offending and reoffending.”

Sturgeon was responding to a question from Conservative MSP Russell Findlay, who called for the phones to be withdrawn. He criticised the £4 million cost of the service, which he labelled as “freebies for criminals”, and said: “The phones have been misused nearly 5,000 times. They have been used to order firebombings, for drug dealing and to threaten crime victims.” He also claimed that he had been told by prison officers that the phones fuel violence between prisoners, putting staff in danger.

Scottish prisoners were issued with mobile phones in the early days of the Covid pandemic in 2020, when social visits at prisons were halted throughout the UK. The phones can only make outgoing calls to approved phone numbers, at a cost, just like the payphones on landings which were used previously. In England and Wales, prisoners are not given mobile phones but during the Covid lockdowns authorities took a different approach by accelerating the installation of landlines in cells. Today, 86 per cent of cells in England and Wales have phones which can make outgoing calls, charged at the same rate as calls from landing payphones.

Parliamentarians to Investigate Forensic Science

MPs and peers have launched an inquiry into the state of forensic science – amid concerns that mistakes are leading to innocent people being wrongly convicted. The Westminster Commission on Forensic Science will question experts, lawyers, police investigators and victims of miscarriages of justice. It will set out its findings in a report, expected in 2024. The inquiry will be co-chaired by Baroness Black of Strome, a forensic anthropologist and cross-bench peer, and Professor Angela Gallop, a leading forensic scientist. It has been established by the All-Party Parliamentary Group on Miscarriages of Justice (APPGMJ), a group of parliamentarians with an interest in the area. At the same time, the APPGMJ is establishing five sub-committees to focus its work on key areas of concern. As well as the sub-committee on science and the courts, which will oversee the Westminster Commission on Forensic Science, separate sub-committees will look at the criminal appeals system, legal policy, the legal profession, and the role of the media. The Coalition government scrapped the state-owned Forensic Science Service in 2012 and police forces now do their own analysis or contract it out to private labs. A report by the Lords Science and Technology Committee in 2019 found that forensic science was underfunded, with too little research being carried out, and that Legal Aid cuts meant defendants could not always hire their own experts to challenge prosecution forensic evidence.

Barry Sheerman, the Labour MP who co-chairs the APPGMJ, said: “Our reputation as the global gold standard for forensic sciences has been badly tarnished over the last decade. Today we launch an investigation into the state of the sector and we do that as a result of our concern that the innocent are being wrongly convicted. The Westminster Commission on Forensic Science will shine a light on the sector and how its ‘products’ are used, and make recommendations to drive up quality and reliability in this important but overlooked corner of the justice system.” Sir Bob Neill, the Conservative MP who co-chairs the APPGMJ and also chairs the Commons Justice Committee, said that forensic science had been at the heart of notorious miscarriages of justice including the cases of the Birmingham Six and the Guildford Four. He said: “The misapplication of forensic science can and often has resulted in the wrongful conviction for many years of the innocent. But pioneering forensic approaches can lead to wrongful convictions being overturned and justice restored.”

Women Wrongly Turned Away by Mother and Baby Units (MBUs)

An investigation has found that some women who apply for places in prison Mother and Baby Units (MBUs) are wrongly rejected. A panel of experts led by the Chief Social Worker examined case notes of 39 women who were refused places in the units. There were concerns about 14 of the cases, and in three of them the decision “was not deemed to be reasonable”. There are six MBUs in women’s prisons in England, each with space for between 10 and 12 infants aged up to 18 months. Prison rules make clear that any woman can be considered for a placement, regardless of her offence.

However, in one of the cases examined in the investigation, a woman was refused an MBU place solely because she was on a murder charge – even though no concerns had been raised about her parenting abilities, the social worker had recommended a placement, and she was on remand so the crime had not been proven. In another case, a woman was refused a place solely because the length of her sentence meant the child would have had to be removed from her after 10 months. There were other cases where women were accepted onto MBUs despite the fact that their sentence length meant the child would eventually be removed.

Decisions on whether to approve a mother’s application for an MBU place are taken by four

independent boards appointed by HM Prison & Probation Service (HMPPS), each headed by a long-serving chair. The Chief Social Worker’s report, published in November, concerns about inconsistent decision-making between the boards. It also criticised a lack of engagement by social workers in the application process in some cases. Generally, where the social worker made a recommendation as to whether an MBU place should be granted, this was accepted by the board.

Mothers applying for places at MBUs are not entitled to legal representation, and many said they had learned about the process by word of mouth from other prisoners. The report called on HMPPS to consider whether mothers should be legally represented. In the years leading up to the Covid pandemic, between 90 and 120 women per year applied for a place on an MBU, with around half the applications being accepted. In 2020/21, with courts closed due to Covid, there were only 62 applications. Of these, 26 were accepted, 17 were rejected, and others were not pursued, for example if the applicant had been on remand and was released.

Trafficking Victim Wins Landmark Victory In Salvation Army Data Case

Diane Taylor, Guardian: A victim of county lines trafficking has won a landmark victory in the high court securing new protections against the Salvation Army handing over confidential information to the Home Office. The 25-year-old British woman, who cannot be identified, has received compensation from the Home Office and secured a change in the department’s policy relating to the way the Salvation Army, which has a victim care contract with the Home Office to look after and support trafficking victims, shares confidential information about these victims with the Home Office. The victory could help potentially thousands of other trafficking victims.

Ahmed Aydeed, of Duncan Lewis solicitors, who represents the trafficking victim who brought the court case, said: “It is essential that trafficking victims get their support in a trust-based relationship where there is clarity about what information provided by victims may be shared with the home secretary. It could have a profoundly chilling effect upon the willingness of vulnerable victims to engage with support services if they fear of misuse of their private and confidential information. It is shameful that it took our courageous client’s legal challenge to force the home secretary to introduce these safeguards rather than the Salvation Army advocating for change.”

The Salvation Army has supported more than 10,000 adult victims of modern slavery since July 2011. In June 2020 it secured a new five-year contract with government to do this work. Any trafficking victims supported by the Salvation Army whose confidential information has wrongly been shared by the charity with the Home Office could now be in line for compensation payouts.

The woman who brought the legal challenge has received a payout of £5,000 in the case.

The problem came to light after it emerged that a central database used by Salvation Army support workers to store confidential data about trafficking victims, including information about any legal case they might be pursuing against the Home Office and other information relating to victims’ personal circumstances that is not relevant to their trafficking claim, was being shared with the Home Office. Prior to the high court challenge, there was no policy about what confidential information about trafficking victims should or should not be handed over to the Home Office by the Salvation Army. In the course of the high court challenge, the Home Office accepted that it did not have the right to gather information that was legally privileged and related to legal cases that trafficking victims were bringing against the Home Office. The woman argued that the Home Office’s ability to access this sensitive information breached her human rights, her rights under common law to communicate confidentially with her legal adviser, and the general data protection regulation (GDPR). Her confidential information has now

been erased from the database. After the launch of the legal challenge, the Home Office introduced new guidance with safeguards on what confidential information the Salvation Army can share with government officials. The trafficking authority, the Single Competent Authority management board, admitted there was “minimal guidance” on data processing for the victim care contract the Salvation Army has with the Home Office to look after trafficking victims. The Home Office has directed the Salvation Army not to pass on certain information relating to trafficking victims unless they have given consent for this. A spokesperson for The Salvation Army said: “We welcome the greater protection now in place for the people in our care. We are constantly advocating robustly on behalf of survivors of modern slavery and continue to seek ways to improve their access to much-needed support.” A Home Office spokesperson said the case was not “won” as there was no hearing and no judgment and the case was settled out of court. They added: “The government conceded one of the claimant’s grounds at the outset of this litigation and ensured that all relevant data protection documentation was in place as a result. “Compensation was not paid in relation to any alleged data breach, which the government has never and does not accept. The government has not conceded any of the claimant’s other grounds and the settlement that was reached does not change this.”

Young Men Spending Too Long Locked Up

Isis is a modern prison in south-east London, with an unstable and challenging population; around 80 new prisoners arrive each month, many of whom are involved at some level with London gangs. On this visit, inspectors were impressed with the governor and her commitment to improvement, but there were some disappointing findings, particularly in the area of rehabilitation and release planning. Charlie Taylor, Chief Inspector of Prisons, said: “This inspection resulted in an unusual set of scores that reflected a mixed inspection. The challenge will be for the governor and her team to continue to improve levels of safety while providing a much more suitable regime and education offer for the population. There will also need to be a concerted effort from leaders to improve public protection arrangements and make sure that sentence progression and key work are at the heart of the offer at Isis.” Isis was not providing adequate release planning to prisoners.

Although a third were identified as high risk of harm to others, public protection measures and support in the community were not set up until much too close to release. Inspectors could not be sure that relevant restrictions were in place for prisoners who presented a risk to children. Not enough resettlement work was being delivered, such as support with managing finance and debt. Staff shortages were severely hindering work to reduce reoffending and prisoners were often not progressing in their sentence. Prisoners were kept in separate cohorts to avoid gang and other conflicts, but this meant that they were not getting enough time out of cell and their access to work, education and training was too limited. The quality of teaching was not consistently good enough.

Despite this system of cohorting, violence was high at Isis. Mr Taylor said: “The prevention and reduction of violence pervaded every part of the prison, including the organisation of education, work, training and even family visits, yet there was no coherent plan for tackling the problem. This had led to a regime that had similar restrictions to those imposed during the COVID-19 pandemic, with many prisoners only out of their cells for 2.5 hours a day. The regime was designed to prevent prisoners from different parts of London from mixing and

there was consequently much too little activity for this group of energetic, young men.”

Catcallers and Street Harassment Offenders to Face Two Years in Prison

Amy Gibbons, Guardian: Sexually harassing women in public is set to be punishable by up to two years in prison under proposed laws backed by the Government. Home Secretary Suella Braverman has declared her support for the new legislation, brought forward by former Tory minister Greg Clark, to make the behaviour a specific offence, as she insisted every woman should “feel safe to walk our streets”. Public sexual harassment is already illegal, but does not exist as an offence of its own.

The Government wants to make the law “clearer” to the public and the police, encourage women to report their experiences, and emphasise the severity of the crime. It is backing a Private Member’s Bill brought forward by Mr Clark which would take this step through amending the 1986 Public Order Act. It would also introduce harsher punishments for perpetrators, ramping up the maximum time behind bars from six months to two years. The move follows a consultation on whether to make public sexual harassment a specific offence, which found most view the issue as a “widespread problem”. Mr Clark’s Bill would specify a new offence, applying to anyone who committed a crime under the existing definition of “intentional harassment, alarm or distress” on the basis of the victim’s sex. This covers “threatening, abusive or insulting” words or behaviour, such as catcalling, as well as writing on display. The Bill received an unopposed second reading on Friday 10th December and will undergo further scrutiny by MPs at a later date.

Provide Better Support For Kids With Mums In Prison

The Prison Reform Trust has issued an urgent call for action for better support for children affected by maternal imprisonment, who are among the most vulnerable children in society. An estimated 17,000 children are impacted by maternal imprisonment every year but their needs are rarely considered when their mum is arrested, sentenced or sent to prison. Co-created with children and young people with lived experience of having a mother in the criminal justice system, the This Is Me toolkit provides practical guidance to practitioners working with children affected by maternal imprisonment. It aims to ensure that the voices of children are heard and that they get the support they need at the earliest opportunity. The toolkit has been informed throughout by the views and experiences of 28 children and young people with experience of a mother in the criminal justice system as well as 38 mothers.

The toolkit is the result of a 15-month consultation with practitioners, academics, and policy makers. It was produced by Prison Reform Trust Associate Sarah Beresford and funded by the Churchill Fellowship Activate Fund. The toolkit is intended to support pilot projects to test and evaluate the use of Child Impact Assessments. The Child Impact Assessment is based around a set of open questions in child-friendly language which act as a framework for an ongoing conversation between the child and the practitioner.

As well as listening to children, the aim is to help them identify what forms of support might be most helpful at any given time.

A support worker, contributing to the consultation said: “The Child Impact Assessment is a great way for the young people to feel like their views are being sought and voices heard. It allows them to share their feelings and ask any questions they may have.”The toolkit can be used to pilot the use of Child Impact Assessments and also as standalone materials to support ongoing work with children and young people.