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**Sean Fitzgerald: Family Call For Answers Four Years on From Fatal Police Shooting**

INQUEST: On 4 January 2019, Sean Fitzgerald, 31, died after being shot in the chest by West Midlands police as he exited a property in Burnaby Road in Coventry. Now, four years later, the Independent Office for Police Conduct (IOPC) investigation is still not complete. His family are still without answers. In April 2021 the IOPC announced that the firearms officer who shot Sean was served with a gross misconduct notice in respect of that officer's use of force. In March 2022 the IOPC announced that it was also now investigating the firearms officer who shot Sean for potential homicide offences. Sean's inquest is currently suspended as a result of the IOPC's ongoing investigation.

The family is now calling for the IOPC to provide a date by which their report will be finalised and a decision made as to whether the IOPC will refer the case to the Crown Prosecution Service (CPS) for a decision as to whether criminal charges should be brought against the firearms officer who shot Sean. Liam Fitzgerald, Sean's brother, said: "It has now been four years since Sean was killed by a West Midlands police officer, we believe unlawfully. Four years of sorrow and anger for our loss of a brother, uncle, stepson, partner and friend. We grieve Sean's loss of missed opportunities, missed family occasions, births of new family members and milestones, and his own loss of the chance to have a family of his own. Sean wasn't a career criminal, he was an ex-soldier. A nice guy, funny and with an exciting buzz that would sometimes tire out those around him. We have missed him every day for four years and we'll miss him every day that follows.

These last four years have been a nightmare that no family ever believes will affect them, but they have been made harder by the fight needed to get the truth and accountability that we all want. A fight against state organisations that have shown no compassion or respect for Sean or us. We feel let down by the system put in place to hold police officers to account for their actions. Instead of a robust, speedy IOPC investigation into Sean's death, we've witnessed legal games that appear to be for the purpose of protecting certain people and organisations rather than finding the truth and holding those in the wrong accountable. Four years later and we've been told very little, delay after delay and constantly feeling let down. This isn't right, it can't be, and it should never happen again. We have had to fight and argue our case to seek to ensure a thorough investigation, an investigation that we were told would take three to six months. We have waited patiently for all this time. We are not prepared to wait any longer with no end in sight, which is why we now ask that the IOPC provide a date by which they will complete their investigation and decide whether to refer the case to the CPS for a charging decision, as we believe they should."

Anita Sharma, Head of Casework at INQUEST, said: "Bereaved families and the public deserve urgent and robust scrutiny of the highest standard following lethal use of police force. The IOPC's four year investigation into Sean's death is now one of the longest standing INQUEST has seen in recent times. It is unacceptable. The ongoing delay not only compounds the pain and grief of Sean's family, but also frustrates the role the IOPC has in the prevention of further deaths. The IOPC must now provide the family with the dignity of a date by which their investigation will conclude, and the long awaited answers around the full circumstances of Sean's death. Helen Stone of Hickman & Rose Solicitors, who represents the

family, said: "Unfortunately, long delays in investigations following police contact are all too common. However, it is frankly unbelievable that the IOPC has now taken four years, and still counting, to conclude its investigation into Sean's death. Four years of the family not having answers, and no indication from the IOPC as to when it will conclude its investigation. They must now at the very least provide an answer to this question, so that the family have some certainty regarding the next steps in their long search for truth and accountability."

**Prison Reform Trust - MoD Parole Data — a Partial Apology**

*Prison Reform Trust:* The Ministry of Justice continues to evade questions over the impact of its reforms to eligibility for transfers to open prisons. In this article, Peter Dawson, director of the Prison Reform Trust shares the outcome of the Ministry of Justice's internal review of our freedom of information request.

We have received an answer to our complaint about the ministry's failure to provide information about the impact of parole changes under the Freedom of Information Act. There is an apology for the delay. There could hardly not be, but it is welcome nevertheless. But the ministry maintains that it has provided the information we requested. In fact, the answer we got about the impact of the changes announced on 6 June provided only a small fraction of what we had asked for. It was a deliberate evasion. But we have sent in new, very carefully worded FOI requests in the hope of preventing a repeat performance and will be due answers early in the new year.

On the issue of whether the ministry has calculated the impact on prison numbers of the parole changes, again the answer avoids the central issue. As we have pointed out before, with a virtual ban on indeterminate sentence prisoners going to open conditions, either more people will be released from Category C prisons (which we doubt is the outcome ministers desire), or releases will be delayed in the majority of cases. If the latter happens, that can only have a significant and relatively rapid impact on prison numbers — at a time when the system is bursting at the seams. This isn't an issue about how the prison service chooses to fill spaces in open prisons — it's about the number of people it is going to have to care for overall and how these changes form no part of its current projections.

Ministers are obviously entitled to pursue policies which they decide — we can and do disagree — but their accountability ultimately is to parliament, the courts and the electorate. However, in a democracy ministers are not allowed to prevent proper scrutiny of the consequences of the policies upon which they decide. We will continue to hold them to a higher standard than they seem willing to adopt for themselves.

**Teaching Philosophy in a Children's Prison Has Shown me the Meaning of Anger**

*Andy West, Opinion Guardian:* The arguments against imprisoning children are well established, yet still we lock up those who have been failed. One morning when I was 14, I met my older brother as he came out of prison. His frame was more filled-out than normal, after a few months of regular meals. We walked into town and he told me he was serious about not going back inside this time. An hour later, on the high street, the police stopped us and searched him. I knew my brother didn't want me to protest to the officers. If I did, the police might target me too. Even if they didn't, I would just be left scolded by my own futile indignation. I let my anger sink and waited for it to be over.

For the past six years I've taught philosophy in prison. My presence there also sometimes requires tact with officers. I recently had to smooth things over with a guard because some of my students had laughed at him for not being able to pronounce "philosophy". I wanted to

make sure he would still unlock the men in time for the start of my class the next week.

This summer I started teaching in a prison for children aged 15 to 17. The glass in the windows is an inch thicker than it is in adult prisons, and the chairs are weighted so they cannot be thrown across the room. Children's prisons are among some of the most violent, though I don't want to focus on the gruesome details – it only bludgeons the reader into apathy. Many of the children are Black or from a minority background, grew up in poverty or in care, have high levels of special educational needs, and have been excluded from school. It's painful to see children who have been failed so many times in their early life be disposed of once they themselves fail. We discuss subjects like identity, freedom and nature. As we talk, a 15-year-old with scars down his inner forearm flicks through a newspaper looking for images of women in bikinis. Another boy, who won't have any sexual contact with a woman until he is out in seven years, throws homophobic insults at the boy next to him.

The arguments against imprisoning children are well established, yet our government ignores them in favour of policies that play to the rightwing press. In 2020 Boris Johnson made it easier to try children as adults. I'm 36, and one of my students, Ivan, is 18. By the time he finishes his sentence, he will be a year older than I am now. In some sessions he passionately disagrees with everything everyone says, wildly contradicting himself in the process. On other days he's mute, and has a faraway look in his eyes. He hasn't got enough years behind him to be able to scale the sentence that is ahead of him. On my way home from children's prison, I keep remembering things such as when I first moved out of home into a place where I got to be myself, or a relationship I had in my 20s that taught me kindness. Ivan won't be allowed to have these experiences. The system demands his personal growth and yet stunts it at the same time. It's bitterly unfair.

But what do I do with my outrage before something as towering as prison? When I see that both the Tories and Labour are promising to be tougher on crime, I get a familiar, sinking feeling. A few weeks ago, I asked my students in an adult prison what they thought about anger. There was a man in the group called Omar. He had a thick neck from the benchwork he had done in the gym, and a bubbling grey scar that spread up his throat. He was in his early 30s, and had begun serving his sentence when he was a teenager. He was where Ivan would be in 15 years' time.

"The ancient Roman philosopher called Seneca once give his brother advice about anger," I said. "His brother had said to him that surely a good person should get angry at injustices." Omar sniggered. I continued, "Seneca replied that anger is eager to punish. For that very reason, it's ill-fitted for punishing. Never allow yourself to get pissed off," Omar said. "Last week the screws said in the morning they was about to unlock us, but they actually kept us banged up the entire day. The kid in the next cell was banging his door and screaming to be let out. He don't stand a chance in here."

"What do you do instead?" "Have patience," Omar said. "One day I won't be in here. But the screws – they'll have to keep coming here for years after I've left. They're the ones who should be pissed off." "Isn't it unfair that you were locked up all day?" Omar shrugged. "It is what it is." I told myself "it is what it is", when I was 14 and the police had stopped my brother again. It was a way of getting through it. For Omar, it still is. Typically, boys like Ivan will spend several years banging their cell door until they give up and yield to this mantra too. The truth is that moral anger about our prisons is a rare and fragile thing. Those unaffected by the system seldom have reason to feel it. Many in the system have to resign theirs. It has taken me decades to be able to claim my own. If you feel anger about our prison system then you're feeling something precious. Do not let it go.

### Settlement of the Campbell Family Civil Case

The elderly widow of a Catholic factory worker shot dead nearly 50 years ago has settled legal action over alleged security force collusion with the notorious loyalist gunman. Margaret Campbell (84) is to receive a "significant" undisclosed pay-out as part of the resolution in her civil claim against the PSNI. The lawsuit centred on the role played by UVF boss and serial killer Robin "The Jackal" Jackson in the murder of her husband Patrick Campbell in Banbridge, Co Down in October 1973. With proceedings listed for hearing at the High Court in Belfast lawyers announced that a confidential settlement had been reached. Mrs Campbell described the outcome as vindication in her half-century fight to secure justice for her late husband.

Background: There is something wrong with a society that forces the widow and children of Pat Campbell to have to take legal action against elements of that state to get some small level of satisfaction for the pain and hurt that was visited on the family late in the evening of Monday 29 October 1973 by then serving UDR member Robin Jackson (21 August 1973 to 4 March 1974) and other members of his UVF team. On the night Jackson and his accomplice came to Margaret's door they wore no masks nor any form of disguise, they were obviously confident that they would not be brought to justice for the murder of Pat. Unfortunately even though Margaret was brave enough to enter the room that Jackson was in and identify him in the identity parade as the man who came to her door and killed her husband and that two police officers over-heard him say to himself "I am in trouble now because Mrs Campbell would remember the colour of every hair on the man's head who had been at her door and shot her husband."; the state conspired to ensure that Jackson didn't stand trial for Pat's murder.

Jackson's name was known to the police within days of an 'arms raid' on a UDR Armoury in Portadown on 23 October 1973. On the 24 October the farm of a former UDR member was searched and guns and ammunition were found. The owner of the farm named Jackson as one of those who had taken the guns and ammunition to the farm for storage. Pat Campbell was killed 5 days later, why was Jackson not arrested during those 5 days? If he had of been, Pat may still be alive today. Jackson's name was to become infamous throughout the period of the troubles. Unfortunately we will never know how many people he was responsible for killing, the figures range from 50 to over 100. What can be said is that if the state had done justice by the Campbell family many more families would not have suffered the loss of a loved one or suffered either physical or psychological injury at his hands. It has long been suggested that Jackson was an agent of the state, some evidence of this emerged during the Historical Enquiries Team (HET) review of the Miami Showband attack. This attack killed three members of the band, injured two others and also resulted in the deaths of the attackers including one who was thought to have been at Margaret's door with Jackson on the night he killed Pat.

The Miami HET report found that: The fingerprints of an infamous loyalist paramilitary, the Jackal, were found on the silencer of a gun used in the Miami Showband murders. There is no evidence that this information was passed to the Miami investigation team. The suspect was aware that his fingerprints had been found before his arrest. He claimed that a Detective Superintendent had tipped him off and advised him how to avoid arrest.

There is no evidence that these serious allegations were ever thoroughly investigated by RUC HQ however a confidential internal RUC report stated that, if the allegation were true, it constituted a "grave breach of discipline and police confidentiality on the part of the officers concerned." The HET conclusion on this issue reads: "To the objective, impartial observer, disturbing questions about collusive and corrupt behaviour are raised. The HET review has found no means to assuage or rebut these concerns and that is a deeply troubling matter."

The Pat Finucane Centre has supported the Campbell family for over twenty years in their search for truth and justice for Pat's murder and the pain, hurt and grief that it inflicted on the family. No amount of money will ever compensate them for what they lost that night in 1973 but hopefully today's settlement will bring some level of satisfaction that the state had to settle their claim rather than air the case in court. It is unfortunate that the Campbell's and many other families of those bereaved and injured are faced with having to take this type of case to get some sense of truth and justice. The current British Government proposals would close down all avenues for families to seek truth and justice. These proposals must be opposed by everyone who believes in democracy, truth and justice. They are morally and legally bankrupt and will do nothing to deal with the legacy

### **Abstinence and Monitoring Requirement (AAMR)**

*Russel Webster:* An AAMR may only be used when sentencing for alcohol-related criminal behaviour and it imposes a total ban on drinking alcohol for up to 120 days. Compliance with the ban is monitored electronically using an alcohol tag which continuously monitors for the presence of alcohol in offenders' sweat. It may be imposed by the court as part of a Community Order or Suspended Sentence Order where: the offence, or associated offence, for which the requirement is being imposed, is alcohol-related; the subject is not alcohol dependent or has an Alcohol Treatment Requirement (ATR) recommended or in place; and the subject is an adult (18 years or over)

For offenders being released from custody whose offending and risk is alcohol related, an Alcohol Monitoring on Licence (AML) additional licence condition was introduced in Wales in November 2021 and rolled out to England in June 2022. There are two conditions available for AML: requires total abstinence from alcohol, or requires the offender to comply with requirements specified by their supervising officer to address their alcohol needs, this will include limiting alcohol use. Alcohol monitoring cannot be used for those under 18.

Interestingly, although we know that compliance rates with alcohol monitoring are high, we have no published evidence of their impact on either offending or alcohol use.

### **Neglect and Multiple Failings by Prison Staff Led to Death of Floyd Carruthers**

*Doughty Street Chambers:* Floyd Everton Carruthers died on 14th June 2021 after not leaving his cell in HMP Birmingham for four days, and not eating multiple evening meals. He was found by prison staff collapsed in his chair on 29th May 2021. After being conveyed by ambulance to Birmingham City Hospital, he was discovered to have bacterial endocarditis which had led to septic shock and multi-organ failure. The bacterial endocarditis likely developed while he was in prison, in the weeks or months before he collapsed.

The jury found that the prison staff failed to take sufficient steps to safeguard Floyd, including insufficient record keeping, handovers and escalation. In particular, there was a serious failure to make a referral to healthcare based on Floyd's overall pattern of behaviour and presentation. This amounted to neglect. There was evidence from an expert cardiologist that Floyd likely went into septic shock and multi-organ failure during the night of 28th May 2021. Had he been conveyed to hospital before this time, he probably would have survived. In particular, the jury found that prison staff had insufficient training in, and understanding of, the National Offender Management Service (NOMS), Adults Safeguarding in Prison policy, PSI 16/2015, to allow them to undertake their role in compliance with that policy.

The Ministry of Justice and HMP Birmingham accepted that there was no system in place for staff to identify such patterns of behaviour over multiple shifts, and that staff were not recording single incidents of prisoners not leaving their cells or refusing meals. Consequently, at the end of the first week of evidence, on 16th December 2022, the Governor Paul Newton issued a Governor's Order mandating that prison staff must record every time that a prisoner fails to access the regime e.g., by refusing to leave their cell or have an evening meal.

Floyd had suffered with mental health problems for over 20 years and had a diagnosis of paranoid schizophrenia. He had been living in Midlands Heart Housing for 30 years where he had a designated housing officer who was aware of his mental health history and that he was receiving treatment from the community mental health team. In March 2021, Floyd was reported by the housing association to police for breaching an anti-social behaviour injunction. He was arrested and held in police custody for three days before being transferred to Birmingham prison on 12th April 2021. Unfortunately, during his medical screening, staff did not identify Floyd's mental health condition or treatment in the community, and so he was not seen by the prison mental health team within 48 hours of arrival, as he should have been. Healthcare staff did note that Floyd had a pacemaker fitted, and that more information was needed, but this was never followed up.

Following his arrest, Floyd's family raised their concerns about his mental health directly with the prison. They were assured that he was ok. Floyd's family also contacted the community mental health team, but were told that they could not give any further information due to confidentiality. The Coroner will be issuing a Prevention of Future Deaths (PFD) report in respect of the failure of prison staff to comply with PSI 16/2015.

### **Prison Food Budget Cut by 14%**

Inside Time investigation finds that prisons are spending less on food, despite inflation making ingredients more expensive. The amount spent on prisoners' meals has been slashed by 14 per cent, according to Government figures released to Inside Time. In 2021/22, prisons in England and Wales spent £56.3 million, which worked out at £2.54 per prisoner per day. The previous year, spending was £2.96 per prisoner per day. Prison rules say that men and women in custody must receive three meals a day – usually a breakfast pack, a cold lunch and a hot dinner. Menus must offer a minimum of five lunch and dinner options to meet different requirements including vegetarian, vegan and halal. They must also meet requirements set by the Food Standards Agency, which says men need 2,500 calories a day, and women 2,000.

Before Covid struck in 2020, kitchens had an average budget of around £2.30 per prisoner per day. During the pandemic, when prisoners were locked in their cells for most of the day, they were given extra 'comfort packs' of snacks and drinks, which added to the cost. These stopped in autumn 2021, which has brought spending back down. The benchmark set by the Ministry of Justice for how much it thinks it should cost to provide three daily meals was set in 2021/22 at £2.12 per prisoner per day. The Ministry, which released the details under the Freedom of Information Act, told Inside Time that the "additional inflation budget received by Public Sector Prisons for 2022/23 was 2%, therefore this figure has increased by the same amount and for 2022/23 is £2.16 per prisoner per day."

The official inflation rate in the UK, the Consumer Prices Index, climbed above 11% in October – its highest level in 40 years. Prisoners who seek to supplement their servery meals with food items purchased in their weekly canteen orders have found prices going up steadily. Governors can vary the amount they spend on food – but if they increase it above the benchmark, they

must find savings in other areas such as spending on clothes, cleaning products or prisoners' wages. At one men's prison, Wealstun, the food budget was set last year at £2.15 per prisoner per day. The Independent Monitoring Board complained in its annual report that this was "a very low sum from which to provide three meals a day for adult men," adding: "It remains the Board's opinion that food budgets should be set at a national level and regularly benchmarked to ensure that they remain adequate." Lucy Vincent, chief executive officer of the prison nutrition charity Food Behind Bars, which runs a bakery at Wealstun, said: "Everything has skyrocketed, and budgets have not gone up in line with inflation. It's a real struggle."

### **Fears as Prisons Overflow**

Police cells have been put on standby and governors have been told to create more spaces in their jails to cope with a surge in prisoner numbers. It led to a warning from a watchdog that accepting more men at an already-crowded prison "poses a serious risk to safety and security". The number of prisoners in England and Wales increased by 800 in October and November – the biggest two-month increase on record. In response, Prisons Minister Damian Hinds announced that police forces have been asked to make up to 400 cells available to hold prisoners overnight – a system known as "Operation Safeguard". Pentonville prison in London, where more than half the men are on remand, has been told to accept a further 50 prisoners, taking its Operational Capacity from 1,155 to 1,205. Last March it held only 1,050.

Alice Gotto, chair of Pentonville's Independent Monitoring Board (IMB), wrote last month to Justice Secretary Dominic Raab asking him to rethink, saying the jail was "being forced to squeeze more and more prisoners into squalid and decrepit accommodation". She wrote: "In addition to the inhumane living conditions at Pentonville, the effect of overcrowding on almost every other aspect of a prisoner's existence is hard to overestimate." She told Inside Time that holding more men would make it harder for staff to segregate vulnerable prisoners and to keep apart members of rival gangs.

Operation Safeguard was last used in 2008 when Labour was in power. Hinds told the House of Commons on November 30 that he was triggering it, at a cost of £14 million for three months. He said: "This is not about long periods of time. It is about one or two nights for an individual. In most cases, it is one night and, the next day, that individual would be prioritised for reallocation to a prison." He also said that individuals would be screened, adding: "Of course, there is prioritisation, with those with underlying mental health issues or perhaps at risk of self-harm going straight to prison." Hinds blamed the sudden sharp rise in the prison population on the barristers' strike in the summer, which delayed trials. However, MPs pointed to cuts in maintenance spending which have led to thousands of cells being taken out of use. Hinds also admitted that the Government's policy of lengthening sentences had played a part in filling jails, in particular the move to make long-term prisoners serve two-thirds of their sentence in custody instead of half. When the policy was introduced in 2020, ministers said it would add 2,000 to the prison population.

Labour's shadow prisons minister Ellie Reeves said: "It is hard to think of a more damning indictment of their failure on law and order than the fact that they have now run out of cells in which to lock up criminals." The prison population in England and Wales went from 83,900 before Covid to 77,800 at the height of the pandemic, but is now back to 82,800. The Prison Governors Association accused the Government of being "in panic" and called for sentenced prisoners to be freed after serving 40 per cent of their term.

### **Intensity of Relationships Between Women Prisoners and Staff.**

*Blurred boundaries - Pettiness and infantilisation - Inconsistency and favouritism*

Relational Ambiguities: Fascinating new research by Ben Crewe, Anna Schliehe & Daria Przybylska, published in the European Journal of Criminology last month (12 December 2022) looks at staff-prisoner relationships in a women's prison. The article "It causes a lot of problems': Relational ambiguities and dynamics between prisoners and staff in a women's prison" is currently free to download. The article illuminates the complexity and emotional intensity of these relationships, first, by outlining their core features, as described by female prisoners – blurred boundaries, infantilisation, pettiness, inconsistency and favouritism – and then by seeking to explain the complex entanglements of power and dependence that result. These explanations include the relative powerlessness and vulnerability of women in prison, their biographical experiences of abuse and trauma, and a tendency for uniformed staff to be somewhat careless in their use of power, while seeking to build close and supportive relationships with prisoners and engaging in forms of benign paternalism.

*The study:* The article draws on data collected as part of a large-scale research project, one sub-strand of which involved an ethnography of penal power and social relations in a women's prison in England and Wales, holding around 300 adult women in closed conditions. Undertaken over an 8-month period in 2018, the fieldwork for this study involved extended periods of participant observation, including a great deal of informal discussion with prisoners and staff, and 48 in-depth interviews with imprisoned women.

*Blurred Boundaries:* One key feature of staff-prisoner relationships identified in the study was the blurring of professional boundaries. Some officers adopted an informal and friendly approach in an attempt to foster a caring environment. While some women responded positively to this approach, many others were wary, feeling uneasy at what they felt was a misrepresentation of the realities of a prisoner-guard relationship. Many complained that personal information that they had disclosed to friendly officers quickly became common knowledge amongst both staff and prisoners. Others expressed confusion and disappointment that officers who they felt were their friends, then enforced prison rules.

*Pettiness & Infantilisation:* Many women interviewed for the study were unhappy about the (inconsistent) enforcement of rules for which there seemed to be no clear rationale – such as not being allowed to wear slippers outside their cells. When women prisoners questioned these rules, they were rarely given a reason, merely a dismissive response such as "Do it because I say so". They described their living environment as similar to being at school or even at home with officers acting like teachers or parents. Another common complaint was that staff interfered excessively in friendship decisions and social activities: "I was warned about mixing with one person. We used to play scrabble together and a member of staff said: 'Do you know what she is in for?' So I said 'Yeah'. They said 'Well you shouldn't be hanging with her because of her offence – it will go badly against you'."

*Inconsistency & Favouritism:* Women also reported inconsistency between officers and also in how individual officers operated. They described receiving differing or contradictory instruction from different members of staff, as well as inconsistencies in the ways that different staff members used their discretion and enforced the rules. Women from ethnic minority backgrounds felt strongly that such decision-making was highly racialised and that they were scrutinised more intensively and disciplined more frequently than other prisoners. A common form of perceived inconsistency was preferential treatment. A shared sentiment among many prisoners was that 'officers have their favourites' and that these 'pet projects' were more likely to have their requests met, receive support, be fed information and be treated more leniently if they broke regulations.

Analysis: In their analysis of women prisoners views on staff, the authors highlight a number of key issues. These include the fact that some women prisoners have entrenched emotional needs and constantly seek support and attention from staff. Also that many women have histories of trauma and abuse which make them acutely sensitive to certain forms of staff conduct (in particular the behaviour of male prison staff). Anxieties of this kind were compounded by the recent history of the prison where the research was carried out, during which several staff members had been caught having abusive relationships with women in their care. For the women in this study, such incidents were deeply destabilising, generating acute concern about attempts by staff to forge closer relationships making them question their own judgement, and producing generalised mistrust in the prison system. Another issue, to which many staff were thought to be desensitised, was the simple fact that for most prisoners, imprisonment was intensely painful, and they were deeply reliant on officers to alleviate their distress. For example, one common source of resentment was the perception that officers failed to appreciate the anguish caused by separation from families.

The authors summarised the impact on many women prisoners of their powerlessness: *“Seen in this light, many of the emotionally fraught interactions that we witnessed reflected complex entanglements of power and dependence. Women’s reliance on staff reinforced a dynamic of neediness; their authority. For the same reasons, many women were impelled to develop close relationships with officers, while others were highly passive or detached, based on feelings of fatalism or anxiety, respectively.”*

#### **Criminal Justice Commission on Indefinite Hold**

Monidipa Fouzder Law Gazette: A 2019 Conservative manifesto pledge to set up a royal commission on the criminal justice process appears to have been booted even further into the long grass. Lord chancellor Dominic Raab was asked just before Christmas by Labour backbencher Mary Kelly Foy if he would make it his policy to convene a royal commission on criminal justice before the next general election, which must be held by January 2025. Justice minister Mike Greer replied that the Ministry of Justice ‘recognises the opportunity that a royal commission could present to look at structural questions in the criminal justice system’ but ‘we think it is right that, following the pandemic and the [Criminal Bar Association]’s disruptive action, we focus on delivering recovery priorities over the coming months’.

Asked if the government still intends to set up a commission before the next election, a ministry spokesperson told the Gazette: ‘Work on the royal commission was paused during the pandemic as we focused on keeping the justice system moving. We continue to keep issues in the justice system under review and are now focused on delivering major reforms to boost the rights of victims, overhaul the response to rape, drive down the pandemic-induced backlog and help offenders turn their backs on crime to better protect the public.’

The department highlighted major justice system reforms announced in recent months, such as the Victims Bill, rape action plan, prisons white paper and parole reform. Last year, then justice minister Lord Wolfson told the House of Lords that the government was ‘absolutely committed to the delivery of this key manifesto pledge’. The Gazette understands that ministry staff were seconded to the commission and have since been reassigned. In 2020 the ministry advertised for a full-time deputy director-secretary to the commission on a salary of £72,500. The Gazette understands someone was recruited and has also been reassigned. The last royal commission on criminal justice was established by the home secretary on 14 March 1991. Its 276-page report was published on 6 July 1993.

#### **Inquest Into Death to Question Drugs and Emergency Response at HMP Thameside**

Nathan Forrester was 36 years old when he died at HMP Thameside in South London on 2 July 2019. He died just one day after arriving in the prison on recall, with the cause relating to drug toxicity. The inquest will explore issues surrounding access to drugs in prison, the delayed response to shouts for help, and the subsequent emergency response. Nathan was described by his family as an outgoing, sociable and friendly person who was the life and soul of the party. Religion was an important aspect of his life, growing up Catholic and later converting to Islam in his 20s.

Nathan was from East London and learnt Bengali at school, engaging with the large Bengali community in his area. He studied travel and tourism at college, but at that time was introduced to drugs. He was drug dependent for much of his adult life, causing serious concern for his family who remained close and supportive. Nathan spent time living in a hostel and served multiple short sentences in prison between 2017 and 2019, including at HMP Thameside. The offences related to funding his drug habits. He had engaged with treatment and rehab over the years, including whilst on probation, but sadly this had not yet had a sustained effect.

The family hope the inquest will consider: How was Nathan able to obtain illicit drugs in HMP Thameside. Whether Nathan was adequately monitored and cared for by the substance misuse team and the healthcare team in HMP Thameside. The adequacy of overnight observations on 1-2 July 2019. The significant delay in attending Nathan’s cell after his cellmate raised the alarm. The family also have serious questions about the emergency response. They want answers on whether, had the response by both prison officers and healthcare staff been different, Nathan might be alive today.

#### **Offenders (Day of Release from Detention) Bill - Do Not Get Released on Friday**

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

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

homelessness. We need to end the practice of Friday releases for the most vulnerable, so that they have the vital extra hours and days they need to get support in place before the weekend arrives. This move is supported by charities, the third sector, those working in prisons, the probation service and the Local Government Association, and by former offenders who have been through the system. If the House will indulge me, I will pepper this speech with examples from a few of them.

Last month, I was fortunate enough to visit Wormwood Scrubs in London, to see Governor Frost and her team. It was a fascinating and eye-opening visit, and I am grateful for the time she and her team, and the brilliant third sector organisations, such as StandOut, afforded to accommodate me and answer some of my banal questions. Entering a prison, certainly one such as Wormwood Scrubs, feels very final indeed. You walk Toggle showing location of Column 1115 through a set of remarkable Victorian buildings and the first thing you notice is how solid the place is. There are big, thick walls, and heavy, metal doors. Everything is contained and segregated by keys. Each door is opened ahead of you and closes behind you, with a click. Your choices are limited to the space you have access to. The outside world, even though you can see it above and through the windows, feels maddeningly far away. As Governor Frost explained to me, when you leave a prison like the Scrubs, setting foot outside the estate for the first time, you face the “first independent choice you can make in a while.”

If someone is released on a Friday, they have precious little time to make those choices and if they choose poorly, they may well find themselves back in prison. Some would rather see their family than comply with appointments, for some their addiction takes priority and others simply do not have time to make their appointments, with no chance of getting from point A to point B in the remaining hours of the day. When someone resides in Wormwood Scrubs at His Majesty's pleasure, is released at 3pm on Friday and then has to see their parole officer in Cambridge that same day, what chance do they realistically have of making that appointment before 5 pm?

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

I am on the Select Committee on Home Affairs, which is undertaking an inquiry into drugs. In Middlesbrough earlier this year, we spoke to addicts and people in recovery about their life stories. The same issue came up time and again. Their experience is addiction, prison, release, shoplifting and other petty crimes, and imprisonment again. At no point does the process help them, their family or those who work in criminal justice. Nor does it help society. In my constituency, I have spoken to Cumbria police and the amazing Well Communities and have seen these issues time and again. The nature of unstable releases means further addiction and ripe pickings for drugs gangs involved in county lines —the exact opposite of the outcome from imprisonment and rehabilitation that we might hope for. The chair of the Local Government Association's safer and stronger communities board, Councillor Caliskan, says: “With staff limitations at the weekend across a range of services, delays in accessing accommodation and a lack of early intervention from support services, vulnerable prison-leavers

are at considerable risk of reoffending. In bringing release dates forward, this will ensure prison-leavers have enough time to access the right help and support to prevent them heading back towards previous criminal activities.” If we want safer streets, we have to start by making access easier to vital services that reduce offending. If people do not have the support structure, including housing and healthcare, that they need in place on release, we simply risk depositing vulnerable people back in the hands of those who encourage harm over good.

Damian Hinds Minister of Justice: I start by congratulating my hon. Friend the Member for Barrow and Furness (Simon Fell) on bringing forward this important Bill. It is a simple change, but the measure he has brought before the House today will, through its passage through this place, be a landmark reform. He spoke powerfully and made a very effective case by talking of real people and their case studies. He has been so effective that I have scored through large parts of my speech, in which I intended to illustrate a number of those points, so I thank him doubly. I also acknowledge and thank our hon. Friend the Member for Workington (Mark Jenkinson) for the role that he has played in bringing the Bill to this place.

The Bill will ensure that those most at risk of reoffending will no longer need to be released on a Friday, or the day before a bank holiday. It will do so by providing the Secretary of State for Justice—in practice, the governor or director of a prison, or the appropriate equivalent officer in a youth establishment—with a discretionary power to bring forward the release date by up to two eligible working days. That will mean that certain offenders will no longer face the race against the clock that my hon. Friend the Member for Barrow and Furness so evocatively set out to find accommodation and access to medication and financial support before those services close for the weekend. That, of course, can be particularly problematic for those with multiple complex needs, such as drug dependency and mental health issues. He described it as a fleeting window of opportunity. I think that sets out the issue very well.

By removing the barriers that a Friday release can create, we can maintain public protection by ensuring custody leavers have a better chance to access the support they need to reintegrate and turn their backs on a life of crime. Ultimately, it will result in fewer victims and less crime. The Bill applies to both adults and children sentenced to detention. Despite the various safeguards and legal duties that exist for children leaving custody, it is still the case that being released on a Friday would mean going at least two days without meaningful contact with a supervising officer when they are at their most vulnerable.

The measures I have outlined, and many more that there is not time to cover, should help to improve resettlement opportunities for all offenders and reduce reoffending. However, they cannot fully address all the practical challenges, especially for those released on a Friday. Through this Bill, we have an opportunity to provide such offenders with the best possible chance of living law-abiding, productive lives in the community and hence an opportunity to cut crime, making our streets safer and protecting constituents.

*Simon Fell:* With the leave of the House, I would like to thank everyone who has contributed to this debate and supported the passage of this Bill. In particular, I recognise the contribution of my hon. Friend the Member for West Bromwich West (Shaun Bailey), who spoke with righteous fury about youth offenders and the many injustices they face in the system. His passion is well felt. My hon. Friends the Members for Dewsbury (Mark Eastwood), for Hastings and Rye (Sally-Ann Hart) and for Southend West (Anna Firth) spoke about the power of a criminal justice system that works to turn people's lives around.

That is absolutely the objective we should be aiming for.