

MOJUK: Newsletter 'Inside Out' No 877 (15/12/2021) - Cost £1

an overwhelming majority, and Priti Patel has continued her immoral crusade against migrants. Even more astonishing is that the government doesn't have to fight this battle. Other countries have their troubles with immigration, as the rise of Eric Zemmour has shown, but few see it dominate the political narrative as it does here. A more compassionate, caring government could easily dial down the rhetoric, emphasising our international obligations and acknowledging that compared to much of Europe, we have relatively few asylum seekers. Instead, Johnson's government goes to great lengths to The only real conclusion is that the government allow such conditions to prevail is because they think it justified. They somehow think that the UK is exempt from the international obligations that bind other countries, and that we have the right to treat those who trespass across our borders with contempt.

Stephanie Harrison described the distress of one of the detainees she represented, as reported on the Justice Gap yesterday. 'We saw before our eyes what it means when we say to break someone's moral and physical integrity,' she said. 'That howling was the howling of a man whose basic humanity had been stripped from him, and we say this inquiry must give very careful consideration and come to the conclusion that he was subjected not just to inhuman treatment, but also to torture.' It is not as if there is any prospect of conditions like this having any real effect on unlawful migration. Much as Patel's ever more deluded attempts to deter migrants from crossing the Channel have only seen crossings increase ever more, degrading conditions do nothing to discourage the determined and the desperate. It is 'chilling'. The inevitable conclusion of Theresa May's hostile environment is the horror of Brook House. The buck stops there.

Permission to Protect Children in Care – High Court Should Reconsider

Good Law Project is calling on the High Court to reconsider its refusal to permit a judicial review of local authority policies that routinely house vulnerable children in for-profit care homes far from where they lived. This practice takes children away from their communities, friends and support networks; upending their lives, worsening the traumas they've already experienced and placing them in greater danger of abuse and exploitation. We think the councils are in breach of their legal duties to ensure that, as far as is reasonably practicable, children in care are accommodated within their local area, and to ensure there's enough accommodation in their area to allow that to happen. In July, we launched an important legal action to compel Essex, Cambridgeshire, West Sussex, Surrey and Derby City to do far more to house children in care in their local area. We also challenged the former Education Secretary for failing to act on behalf of children in care. He could have forced local authorities to do far more, but decided to pass the buck to Ofsted inspectors instead.

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

Pressures to Plead Guilty.

Rebecca K. Helm SAFARI: "It is clear that a significant number of innocent people plead guilty. For the last ten years I have been examining why innocent people plead guilty, and the pressures that they face to do so. In England and Wales, my research suggests that innocent people can feel pressure to plead guilty due to (1) sentence discounts, particularly where these result in a significant sentence reduction including certain avoidance of a custodial sentence, (2) charge discounts where defendants have the opportunity to plead guilty to a lesser charge and have a more serious charge against them dropped, and (3) the time money and stress involved in trial, which make trial prohibitive for some people, even when they are innocent. There may also be other pressures that I have not yet captured in my work. Despite these clear pressures, the reality that innocent people feel pressure to plead guilty is still not consistently recognised by the public and policy makers, and steps have not yet been taken to reduce or eliminate pressure to plead guilty.

In a line of recent articles I have looked at the effects of incentives to plead guilty and have made arguments about why innocent people are pleading guilty, and which groups might be particularly vulnerable. In the case of children specifically, I have also produced policy reports, describing how innocent children can face pressure to plead guilty and arguing for policy change to protect innocent children in this area (for copies of the reports: <https://tinyurl.com/safari-83>). I have also collected data on guilty pleas and incentivised admissions more broadly, through consultations with lawyers and also (in the case of children) people who have pleaded guilty themselves. In my academic work, I have argued that pressures to plead guilty, particularly when detached from the probability of conviction at trial, might undermine the rights of defendants to a fair trial under Article 6 of the European Convention of Human Rights. The waiver of the right to a fair trial is only valid where that waiver is consensual and not "tainted by constraint" (this terminology is from a case of the European Court of Human Rights called *Deweer v Belgium*). I believe that in some cases where people plead guilty this consent is present, and in others it is not. It is now important that we start to look at decisions to plead guilty in more detail. We need to understand when and why people are pleading guilty, to identify when plea decisions are consensual admissions that benefit both the prosecution and the defence, and when they are the result of pressure on defendants who end up facing little choice but to plead guilty regardless of factual guilt. We need the help of people who have pleaded guilty to better understand this area in practice, and to allow us to raise awareness of problems and to petition for appropriate policy change.

We're currently conducting a research study in which we are asking people who have had to decide whether to plead guilty to share their experiences with us. We're interested in hearing from people who decided to plead guilty and people who chose to go to trial. This can be done via a survey (online or via post) and/or through interviews with one of our team. If you have an experience that you would be willing to share with us as part of this research project, please contact us at Rebecca K Helm, University of Exeter St Luke's Campus, 79 Heavitree Road, Exeter, EX1 2LT) and we will send you further details and consent forms.

Prisons Need to Become Places of Purpose, Not Just Punishment

Prison Reform Trust: “To protect the public we need a fit for purpose prison system that rehabilitates.” - A clear and shared vision of the purpose of imprisonment has been described by prisoners as “essential” in a new report published by the Prison Reform Trust. The report has been published as prison leaders consider how to “build back better” following nearly two years of severe restrictions brought about by the coronavirus pandemic, and a decade of declining standards in jails in England and Wales. Following a wide consultation of 650 prisoners across 50 prisons in England and Wales, the report ‘It doesn’t have to be like this’ is the fourth in a series by the Prisoner Policy Network, which seeks to promote prisoners’ solutions to addressing the challenges facing our prison system. Prisoners were clear that a lack of support from the prison system to help them build paths to a better future was failing victims, communities and them. One person contributing to the report said:

Prisoners wanted to know that there was a purpose to their time inside. And they wanted the prison regime to make use of their time to deliver that purpose. As one person contributing to the report said: “If the men [in prison] could work through the reasons they are here, deal with trauma, see some role models and how it doesn’t have to be like this, then I think the prison system could be proud of how it is protecting the public. At the moment, its failing in that job, because people leave worse and more risky than when they came in.” The report makes clear that the last 18 months has taken its toll on prisoners’ resilience and hope for the future. As a result, many responses highlighted the low expectations that people in prison were starting from. “I have ‘regressed’ to the basics for so long that I’m not that bothered about the regime anymore. As long as I can phone my family, exercise and shower every day, I truly don’t care about anything else.”

As prison leaders plan for life beyond the pandemic, the report highlights a number of areas that any future prison regime must consider. These include: 1. Meeting basic daily needs must be a priority for recovery. These are the foundation of a stable and successful prison community. 2. The prison environment should mirror the outside community as much as possible. This includes a longer working day for prisoners; studying for qualifications which outside employers value; and being able to create and maintain more typical parental or familial relationships. 3. Prison management and staff should encourage and cultivate a community between prisoners and the establishment they are living in—with more opportunities to get involved in decision making, activity planning, and sentence progression. 4. Safety must be built on trusting relationships, not punitive actions or fear of reprisal. There should be consistent application and adherence to prison policies, applied fairly to prisoners and staff alike. 5. The prison workforce needs to be more diverse, and create an environment that respects everyone’s cultural background. 6. A greater focus on improving links with the wider community to give people the best chance of success on release, including housing, employment opportunities, support networks, and healthcare.

Commenting, Peter Dawson, director of the Prison Reform Trust, said: “This is a critical moment for prisons, and there are big decisions to make about the principles that will determine the future of our prisons. This report shows why prisoners must contribute to those decisions. They share the ambitions of many who work in prisons both for what day to day life should be like and for how they can build a better future after release. But the report also shows what a mountain there is to climb, and how the potential of prisoners to contribute to better prisons is wasted. One thing is crystal clear. A safe and purposeful prison community is built on the relationships between those who work in prisons and those who have to live there.

Those relationships cannot be built on the isolation and repression of the last 18 months.”

carceral state, with people detained there entering a penal-like atmosphere. Even if most people are detained for a relatively short period of time – just under two months – extended stays are not uncommon, with one detainee kept in confinement for two and a half years, and Stephanie Harrison QC telling the inquiry about another detainee, who the High Court eventually ruled should have never been detained at all, kept at Brook House for 442 days.

Like many IRCs, and in common with many prisons, Brook House is run by G4S, the gargantuan government contractor. As with many government contractors, the question of whether the contractor can effectively fulfil its obligations is seemingly secondary to how cheaply they offer to fulfil them, with the winning bid for Brook House coming in at 35% under the government’s estimate. These savings are not achieved through some sort of magical efficiency within the private sector, but through cutting anything that can be cut.

Addressing the tribunal, Alex Goodman, counsel for two victims, said that it was the ‘outlawry of the Home Office and its contractors’ that has led to these degrading conditions’, in part through operating ‘harsh, prison-like lockdown regimes, inadequate activities and, critically, low staff numbers’, G4S sacrificing human dignity for profit.

Staffing levels were consistently at the lowest permitted by the Home Office, but even if they had fallen below it, it is doubtful that the Home Office would have been deeply concerned, or punished G4S with anything more than a slap on the wrist. In G4S’s contract with the Home Office, there are no terms on the welfare of inmates, reflected in suicide attempts and self-harm that inmates inflict on themselves, showing the ‘despair and absence of hope that many feel’. In the Shaw Report, which investigated IRC conditions, Stephen Shaw concluded that Home Office monitoring ‘failed to examine and question the... care and welfare of detained persons, their quality of life, and experience of being detained’.

Little filmed on camera disputes this, with the recordings showing detainees are confined to small, cell-like rooms, with bunks, covered in thin, institutional blankets, while the communal areas are ‘overcrowded and unsettled’. Nor can the Home Office claim that it is unaware of the conditions, with many cases finding that detainees in immigration detention were subject to treatment that violated Article 3 – the prohibition against torture and degrading treatment. Instead of remedying the conditions, the Home Office has preferred to argue that it is a ‘small, aberrant group of individuals’ that explain them, rather than accept there are ‘fundamental, institutional, widespread problems’, of which a crucial one is its own policies, and the fact that adopting a stance of such ‘hostility [towards migrants] is incompatible with humanity’.

What might be the most devastating element that the inquiry has heard so far is that none of it can come as any surprise to anyone who has paid even the slightest attention to the government’s immigration policies, particularly since Theresa May adopted the ‘hostile environment’ during her tenure as Home Secretary. No one is forcing the government to adopt policies that lead to ‘physical mistreatment, abuse and humiliation’. Rather than choosing to believe those seeking asylum, or operating a process that starts from the premise that the individual is telling the truth, a culture of doubt has been established, with the Home Office preferring to engineer ‘assessments to fit the [desired] conclusion’, and when challenged on this, to ‘blatant[ly] breach the duty of candour’, as Harrison told the panel.

One reason for the government to do this is because they think it wins them votes – and it is difficult not to think they are right. Despite the fact that this film, showing appalling treatment that can be conceivably described as torture, was shown over four years ago, there has been no change to Britain’s politics. Boris Johnson’s Conservative Party was re-elected in 2019 with

Reality of Theresa May's Hostile Environment is the Horror of Brook House'

Nicholas Reed Langen, Justice Gap: There are few state institutions that reveal the character of a society as powerfully as its prisons. They show how a nation treats those who, while perhaps criminals, it has complete control over. Prisoners are deprived all agency, from what they eat to when they sleep, with their lives dictated by the officers of the institution, and ultimately by the policies put in place by the government at the behest of the people at large. If our prisons provide an insight into the country's grim nature, its immigration removal centres (IRC) reveal it in all its grotesque horror. These are places where its residents – prisoners in all but name – have committed no real harm against society, their only wrong being to remain in a country without legal residency. And even calling this a wrong is an overstatement, with most of those held in detention having lived a blameless life in the country they chose, working and contributing to society as much as those legally resident. It is a formal wrong rather than one of real substance. But because these immigrants and asylum seekers are outside the formal bonds of British society, part of the 'other', it is a wrong that the government, and the people who elected it, are happy to savagely punish them for, as the opening days of the Brook House Inquiry have shown.

This inquiry was brought about after the BBC broadcast a Panorama investigation into Brook House IRC, which revealed the 'ragged, febrile...degrading and brutalising' culture within the UK's immigration system. It is investigating the treatment of immigration detainees in the centres, and particularly whether they violated the prohibition on torture and degrading treatment in Article 3 of ECHR. In 2015, Calum Tulley, an 18-year-old custody officer who had recently started working at Brook House, went to the BBC with his concerns, agreeing to become a whistleblower and secretly film his fellow officers for a three month period. His recordings make distressing viewing. They reveal a callous, racist system, with a pervasive culture of xenophobia, even if, as Tulley says, 'many staff are doing their best'.

Opening scenes in the Panorama film show crowded, institutional hallways lit up under the glare of harsh strip lighting, as shouts and thuds reverberate. The detainees, almost universally from ethnic minorities, are herded by guards in riot gear, the camera's gaze refracted through the plexiglass shields, before the film cuts to a custody officer slamming shut the panel door on a panicking detainee. The guard then turns to Tulley and tells him 'if he [the detainee] keeps going, I'm going to smash the f***ing shit out of him', with the same guard later saying of another detainee that he has 'absolutely no sympathy at all...if he dies, he dies'. Later, a detainee is filmed squatting forward on all fours and wailing, circled by guards in navy prison-style uniforms, while Tulley narrates how 'from the start [of his employment], I was confronted with drug abuse, self-harm, and suicide attempts', with the camera then showing an officer imitating a detainee who told him 'I want to die. I want to die'. As Nick Armstrong, counsel for three of the victims, told the inquiry this week in his opening statement, such conduct was and is not isolated. The callous, degrading treatment of detainees – which the inquiry has only heard the start of – provides a 'panorama' of the way in which people are treated in Britain's immigration removal centres, with officers cavalier as to whether they live or die, with one officer justifying it on camera on the basis that 'at least there's a few less foreigners in England'.

Brook House is the largest of the UK's IRCs. It was custom-built on the outskirts on south London near Gatwick Airport, its location chosen to ease the passage of the detainees from the country. This is what IRCs are supposed to be, short pitstops for illegal migrants and failed asylum seekers on their way out of the UK, back to their mother country, with only those at serious risk of absconding detained for more than a few days. In reality, IRCs are part of the

Up to One in 11 Staff In Some Jails Investigated for Misconduct

Tobi Thomas, Guardian: Staff in some prisons across England and Wales have faced at least one misconduct investigation for allegations including sexual harassment and assault, Guardian analysis of Ministry of Justice data shows. The data, obtained via freedom of information laws, has revealed that for the year 2019-20, one in 11, or 9%, of staff at the Mount, a category C men's prison in Hertfordshire, faced at least one misconduct investigation, the highest proportion of all prisons across England and Wales. After the Mount, the prisons with the highest rates of misconduct investigations include Cardiff prison, at 8.3% of its staff, followed by Nottingham (7.8%) and Swinfen Hall (7.8%). Staff at the Mount prison faced a disproportionate level of misconduct investigations, almost three times the average rate (3.39%), and has previously faced problems in its governance. In 2017, an incident occurred at the Mount in which prison officers were said to have lost control of two wings within the prison, leading to specialist riot-trained officers being called in to take control of the incident. At this time, inmates' relatives also said that staff shortages meant prisoners were locked in their cells over the weekend. The prison was also subject to an action plan by HM Prison & Probation Service in 2019 following a 2018 inspection, which found that the prison was undergoing "significant difficulties", that "governance and arrangements for accountability were seriously lacking", and that "only just over half of prisoners felt respected".

For the financial year 2019-20, MoJ figures show that 1,266 prison staff (Prison staff include anyone working in HM Prison Service or the Youth Custody Service) faced at least one misconduct investigation, and of them 464 staff were subject to at least one conduct and discipline that concluded that year. Seventy-eight were recommended for dismissal. Furthermore, figures from the MoJ show that for all prison staff, a total of 13,432 misconduct investigations were brought between the financial years 2014-15 and 2019-20. Over the same period, 1,121 prison staff were dismissed for misconduct.

Andrew Neilson, the director of campaigns at the Howard League for Penal Reform, said: "It should come as no surprise that misconduct is an issue in an overcrowded prison system where people are warehoused in cells and staff are poorly paid and supported, without a clear purpose. "The solution to this problem begins with sensible steps to reduce the prison population." In 2019, the Ministry of Justice launched a counter-corruption unit (CCU), as the department aims to tackle prisons becoming overcome with drugs, violence, and poor mental health among inmates. A prison service spokesperson from the Ministry of Justice said: "While the vast majority of prison staff are hardworking, dedicated and honest, these figures show that we take strong action against the small minority who break the rules."

Police and CPS vs the Legal System

The Legal System is in place to protect the innocent and punish the guilty, but, in reality, it often doesn't work, as the system's goal appears to be to convict the alleged perpetrator regardless of guilt or innocence. For example, if Jane accuses Mark of rape, the system thinks of Jane as the 'victim' and Mark as the perpetrator. But in this example, if Jane had falsely accused Mark, then Mark is the victim and Jane is the perpetrator. The presumption of innocence is a legal principle that every person accused of any crime is considered innocent until proven guilty. But in particular types of case this rarely happens. Instead, the prosecution tries to convince a jury of guilt without providing much real evidence, and an accusation alone is considered to be 'evidence', and 'proof' is not what the average person thinks it is. The legal system requires that if reasonable doubt remains, the accused must be acquitted. The Police and CPS only take a case to court if there is a likelihood of a 'successful' conviction; innocence or guilt seems not to be considered.

Brinsford Young Offenders Prison - Serious Challenges

Brinsford is a category C prison holding 466 mostly young men who are on remand or sentenced to less than four years imprisonment. The attractive gardens (largely closed to prisoners) and the large open site belied a prison that faced some serious challenges in providing adequate care, education, training and rehabilitation and creating an environment that was safe and supportive to an often-troubled group of prisoners. Much of the accommodation was in poor condition with many prisoners living in shabby cells, of which some had inadequate furniture and graffiti on the walls. The showers needed refurbishment and the communal areas were tatty and uninspiring. Even parts of the prison that had been recently redecorated had begun to deteriorate. Officers tended to congregate in offices away from the wings, meaning prisoners were often left unsupervised. Inspectors saw poor behaviour going unchallenged by staff whose low morale seemed to have affected their motivation. The newly introduced incentives scheme was not being used to monitor or improve prisoners' behaviour, because it had not been communicated effectively to staff and prisoners and was therefore not properly understood. Progress to open the regime after COVID-19 restrictions had been slow and it was depressing to find so many young men whiling away their time sleeping or watching daytime television. Though violence had reduced since our last inspection, levels of assaults between prisoners were higher than at any of the comparator prisons. Use of force had also reduced but more needed to be done to make sure prison officers turned on their body-worn cameras when there was an incident. The governor had rightly set 'back to basics' as a priority for the prison, but plans were vague and had not been adequately communicated to staff and prisoners. This was a prison that required some real management grip; to make improvements, leaders must be clear about their expectations, set up effective systems for monitoring progress and be a visible presence on the wings, checking daily that that standards are being maintained. Charlie Taylor, HM Chief Inspector of Prisons

Law Reform Body Rejects Calls to Make 'Misogyny' a Hate Crime

Jon Robins, Justice Gap: The government's law reform body has resisted calls to make 'misogyny' a hate crime. The Law Commission yesterday recommended that 'sex or gender' should not be added to the five protected characteristics (race, religion, disability, sexual orientation, transgender identity) which can receive a sentence uplift on the basis that it would be 'ineffective' at protecting women and girls and, in some cases, 'counterproductive'. The justice minister Dominic Raab recently rejected the idea that misogyny should be a hate crime. 'Misogyny is absolutely wrong, whether it's a man against a woman or a woman against a man,' he told BBC Breakfast. Misogyny, of course, refers to a hatred or prejudice towards women.

A statement by 20 women's rights groups and campaigners including the Fawcett Society, Citizens UK, Stella Creasy MP, and Rights of Women accused the Law Commission of failing to address 'widespread concerns about lack of action by the criminal justice system' and complained that its review was 'too narrow'. 'By not joining together hate crime legislation, it especially ignores the experiences of women from minority communities who experience hatred based on multiple factors yet all too often are let down by the criminal justice system because they do not fit their tick boxes,' the statement read.

The Law Commission argued that adding 'sex or gender' could make it more difficult to secure convictions and 'create unhelpful hierarchies of victims'. The group added: 'However, if these contexts were excluded, it would make misogyny very much the poor relation of hate crime laws, applicable only in certain, limited contexts.' The Law Commission called for safeguards for freedom of expression including 'explicit protection' for gender critical views and

should be taken into account in this process. Families of next of kin of those who have died in custody should have access to full non-means-tested legal aid funding for specialist representation throughout the process of investigation, following a death in custody, including at the FAI.

The review was co-chaired by Wendy Sinclair-Gieben, Her Majesty's Chief Inspector of Prisons for Scotland, Professor Nancy Loucks OBE, chief executive of the charity Families Outside, and Judith Robertson, chair of the Scottish Human Rights Commission. Wendy Sinclair-Gieben said: "In the time that this Review has taken place, dozens of people have died in Scotland's prisons and hundreds more have been left to deal with the associated grief, trauma and distress. It is clear from our Review that systemic change is needed in how such deaths are responded to for both families and staff. We have made detailed recommendations that we believe could achieve this change, driving the development of a more humane, compassionate, rights-based response to the loss of life in Scotland's prisons. It is now incumbent on all of those with responsibilities to uphold human rights to take action to implement these recommendations."

Professor Nancy Loucks OBE added: "I want to thank all of the families who were involved with our Family Advisory Group and gave valuable input in to this Review. Bereavements are difficult at the best of times. Families told us that after the death of a loved one in prison custody, they are given very little information and even fewer answers. For too many families, the lack of information and answers drags on for months and even years. All public agencies need to think about the role they can play in fulfilling the recommendations from this Review to ensure families are treated fairly and respectfully."

Judith Robertson commented: "Deaths in custody need to be seen through the prism of Scotland's human rights obligations, in particular the right to life provided for in Article 2 of the European Convention on Human Rights (ECHR). The state has the duty to protect the right to life effectively, and, when someone dies in custody, a duty to provide an explanation of the cause of death. The review used human rights legal standards to frame our analysis and recommendations, and a human rights based approach to guide our work where possible. This included ensuring that the voices of families, and others directly affected, were heard and listened to in making recommendations."

Jailed Women in UK Five Times More Likely to Suffer Stillbirths

Nic Murray & Hannah Summers, Guardian: Following two baby deaths in prisons since 2019 there have been increasing concerns about safety for pregnant women and their babies. Figures obtained through freedom of information requests made to 11 NHS trusts serving women's prisons in England show 28% of the babies born to women serving a custodial sentence between 2015 and 2019 were admitted to a neonatal unit afterwards – double the national figure, according to data from the National Neonatal Research Database. Of the 125 births for which additional data was supplied, one in seven babies had a low birth weight – double the rate in the general population. Stillbirths were at a rate of 20.9 per 1,000 births, compared with 4.2. Women in prison are five times more likely to have a stillbirth and twice as likely to give birth to a premature baby that needs special care, new data collected by the Observer shows. Kate Paradine, chief executive of Women in Prison, said: "When a parent goes to prison it disrupts children's lives and damages mental health, with nine in 10 children forced to leave their home when their mother is imprisoned. "Homelessness, instability and trauma are just some of the consequences. Sentencing guidelines already acknowledge these devastating effects but there is clear evidence these aren't being accurately or consistently applied." If amendments to the police, crime, sentencing and courts bill are passed, judges will be required to state how the best interests of a child or unborn baby are considered when sentencing a pregnant woman or primary carer.

place in the Brighton area," says his father, 78-year-old Roy. Mr Hickmott was finally declared "fit for discharge" by psychiatrists in 2013, but he is still waiting for the authorities to find him a suitable home with the right level of care for his needs. "If he'd murdered someone he'd be out now. He's lost his family, he's lost his home," says his mother Pam, who is 81. "He's just a shadow of the human he used to be. There are so many families like us - crying and screaming. We are our children's voices." His Assessment and Treatment Unit care is paid for by the NHS - but the cost of housing and caring for him in the community with trained staff would fall to Pam and Roy's local authority, Brighton and Hove, and local NHS commissioners. That process has been bogged down in delays and wrangles. Pam believes the delays are over funding. "We've got judges telling them to get on with it but they're still not doing it, they're still fighting over the money."

Ministers pledged to reduce the number of patients in such hospital settings by 35% by March 2020, with the aim of people being back in their communities with tailored support packages. But, by March last year, there were only 300 fewer patients detained - a reduction of just 13%. The 35% target has now slipped to 2023/24.

Remembrance of Things That Never Happened

A False Memory is a Recollection: That seems real in your mind, but is fabricated in part or in whole. Many people have trouble believing in the ability to "remember" something that never happened except in someone's own mind, but most of us can remember at least one dream – and many of us remember many dreams – in vivid detail, and there is no doubt about the fact that those events happened only within the dreamer's mind. False memory is very similar.

Scotland: Radical Reform Of Response To Prison Deaths Needed

A body independent of the Scottish government and prison service should investigate every prison death, a new report published today has recommended. The report of the Independent Review of the Response to Deaths in Prison Custody follows two years of research, analysis and engagement with families affected by deaths in custody, as well as prison and NHS staff. The report recommends a wide-ranging set of "systemic, practical and compassionate" changes to radically improve how deaths in prison custody are responded to in Scotland. It calls for investigations to be completed faster and for families or next of kin of people who have died to be involved at every stage. the review's key recommendation is that an independent body should carry out a separate independent investigation into every death in prison custody.

The review makes a series of further specific and detailed recommendations. These include: The independent investigation should be instigated as soon as possible after the death and be completed within a matter of months. This investigation should be carried out by a body wholly independent of Scottish ministers, the Scottish Prison Service or the private prison operator and the NHS. The investigation process must involve the families or next of kin of those who have died in prison custody. The independent investigatory body must have regard to applicable human rights standards. The independent investigatory body must have unfettered access to all relevant material. Corresponding duties should be placed on SPS and other relevant institutions requiring the completion, retention and production of relevant information in their possession. The independent investigatory body must be required to produce and publish reports analysing data on deaths in custody, identifying trends and systemic issues, making recommendations and promoting good practice. The independent investigatory body should be tasked in statute with the duty to monitor and report on the implementation of its recommendations. The views of bereaved families or next of kin

a new protection for 'neutral reporting' of inflammatory hate speech. The group recommended extending existing offences of stirring up hatred to cover incitement of violence and hatred on grounds of sex. It has also made recommendations to ensure that disabled and LGBT+ victims receive the same protections as victims with other protected characteristics (race and religion). 'If enacted, the reforms would ensure all five characteristics are protected equally by the law,' it says. The Commission is also making a number of recommendations to protect women and girls. This includes extending the offence of stirring up hatred (behaviour that incites others to hate entire groups) to cover sex or gender and has recommended that the government consider the need for a new offence to tackle public sexual harassment.

Hate crime refers to existing criminal offences (such as assault, harassment or criminal damage) where the victim is targeted on the basis of hostility towards one or more of the five characteristics (race, religion, disability, sexual orientation, transgender identity). There are two ways that the law currently treats hate crimes as more serious than other offences. As aggravated offences, separate versions of existing criminal offences, carrying higher maximum penalties; and through enhanced sentencing. In 2020/21, there were 10,679 prosecutions and 9,263 convictions for hate crimes in England and Wales. The Law Commission argues that the hate crime framework does not protect all five protected characteristics to the same degree. For example, aggravated offences only apply in respect of racial and religious hostility whilst the stirring up offences don't cover disability or transgender identity. 'This current hierarchy of protection is widely seen as unfair and sends a distinctly negative message to victims of hate crimes on the basis of disability, sexual orientation and transgender identity,' the group says. The Commission proposes extending the offences of stirring up hatred to cover stirring up hatred on the grounds of sex or gender. 'This would help to tackle the growing threat of "incel" ideology, and its potential to lead to serious criminal offending,' it says.

Jeremy Bamber Campaigners Protest at Police HQ Demanding 'Proof of his Innocence'

Sam Corbishley, Metro News: Supporters of convicted killer Jeremy Bamber held a protest outside the headquarters of Essex Police demanding the release of evidence which they say will prove his innocence. Bamber, 60, is serving a whole life sentence for the brutal murders of his adoptive parents, Nevill and June, both 61, his sister, Sheila Caffell, 26, and her six-year-old twins, Daniel and Nicholas, at White House Farm, near the village of Tolleshunt D'Arcy in Essex, in August 1985. He has always protested his innocence and claims that Ms Caffell, who suffered from schizophrenia, shot her family before turning the gun on herself.

On Thursday, 25th November 2021, a group of protesters from the Jeremy Bamber Innocence Campaign gathered outside Essex Police HQ in Chelmsford to demand the 'full disclosure' of all the evidence in the case. Wearing purple t-shirts with Bamber's face emblazoned on the back, they held up signs bearing slogans such as 'stop hiding the evidence' and chanted: 'Disclosure refused is justice denied.' Among them was veteran human rights campaigner Peter Tatchell, who had been hoping to hand over a letter to the chief constable pleading that he 'put right the mistakes of the past' and release previously unseen witness statements, photographs, and forensic documents which they believe will help overturn Bamber's convictions. Speaking to Metro.co.uk after the demonstration, he said: 'As a human rights campaigner, among other things, I work on miscarriage of justice cases. 'I was horrified to learn about the vast volume of evidence that had been withheld for nearly four decades by Essex Police. This goes against all the principles of British justice, which are that the accused and their legal team have a right to see all the evidence. Given the suppression of case documents and photographs, it is very clear that Jeremy Bamber did not receive a fair trial and that his conviction is unsafe.'

The Bamber campaign team say they received 374,000 pages of documents in 2011 – long after his trial and failed appeal bid. Yvonne Hartley, one of the group's administrators, said: 'Analysis of these documents revealed that thousands of other case documents and photographs still remain undisclosed by Essex Police. A significant portion of this withheld evidence would support Jeremy's innocence.' Mr Tatchell described having written to two successive Essex chief constables 'requesting full disclosure of evidence', only to have been rebuffed with assurances that 'all relevant evidence' had been handed over and further documents would not be released 'at this time'. He said: 'That is not the way British justice works. The police do not have the right to decide what evidence is relevant and to withhold that which they deem is not relevant. The police's stance 'very strongly suggests that the police have the evidence, but they're still not willing to reveal it'. I suspect that the reason the police are not disclosing the withheld evidence is because it points to Jeremy Bamber's innocence and to huge mistakes.' Mr Tatchell described the Bamber case as 'probably the worst miscarriage of justice since the Birmingham Six in the 1970s', one of a series of high-profile cases where the convictions were later overturned. They resulted in the establishment of a Royal Commission on Criminal Justice, whose recommendations led to a change in law which saw the creation of the Criminal Cases Review Commission (CCRC).

That body is currently considering a fresh application from Bamber's legal team to have his case referred to the Court of Appeal for a second time. After the protest finished, Bamber addressed his supporters over mobile phone loudspeaker from the high security HMP Wakefield, thanking them for their efforts on his behalf. He said: 'This is just the start of our campaign for disclosure. Let's hope (Essex Police and the CCRC) co-operate and hand over the exculpatory evidence.' A spokesperson for Essex Police said: 'In August 1985 the lives of five people, including two children, were needlessly, tragically and callously cut short when they were murdered in their own home by Jeremy Bamber 'In the years that followed, this case has been the subject of several appeals and reviews by the Court of Appeal and the Criminal Cases Review Commission – all of these processes have never found anything other than Bamber is the person responsible for killing his adoptive parents Nevill and June, sister Sheila Caffell and her two sons Nicholas and Daniel. 'Essex Police have continued to comply will all legal requirements in this case and will continue to assist the CCRC as required.'

Remand Inmates in England and Wales 'Facing Second Christmas Behind Bars'

Haroon Siddique, Guardian: Those remanded in custody awaiting trial are disproportionately black, Asian or from other minority ethnic groups. Some defendants will be facing "a second Christmas behind bars without the opportunity to prove their innocence", a legal charity has warned, as the number of remand prisoners in England and Wales detained longer than the legal custody limit continues to rise. Figures obtained by the charity, Fair Trials, show that, as of 30 June, 3,949 people had been held in prison awaiting trial or sentencing for more than the six-month pre-trial custody time limit, a 10% rise in six months, prompting calls for urgent action to address the problem. Many people who are held in pre-trial detention eventually walk free. Last year, one in 10 of all those remanded before trial were acquitted and one in four of those remanded in custody were not sent to prison following their trial.

While the figures, provided by the Ministry of Justice (MoJ) in response to a freedom of information request, are not broken down into those awaiting sentencing or trial, it is exceptionally rare to be held for more than six months awaiting sentence. In September last year, the government increased the custody time limit to eight months to ease the pressure of the rising backlog of court cases but it reverted to six months on 28 June. The data shows 1,523 peo-

ple had been held in prisons awaiting trial or sentencing for more than a year, amounting to one in 10 of the remand population, including 475 people who had been held for more than two years. Griff Ferris, legal and policy officer at Fair Trials, said: "Any system which holds people in prison without trial for years is a cruel, broken system. Some of these people are now facing a second Christmas behind bars without the opportunity to prove their innocence. Others have been waiting for a trial since before the start of the coronavirus pandemic last March, and even since 2019. These unacceptable delays undermine our entire justice system, denying justice for both defendants and victims. The government needs to take urgent action to implement structural solutions to this crisis, including releasing people from remand, rather than trying to find ways to put more people into prison."

The increase in the number of people held beyond the six-month limit comes amid a backlog of cases in the crown courts, which try the most serious offences, of more than 60,000. The Law Society, the professional body for solicitors has reported trials being delayed until 2023. Last month, the justice minister James Cartlidge said the backlog was expected to be approximately 53,000 in 2025. While it has been exacerbated by Covid, it had already increased by 23% in the year leading up to the coronavirus pandemic. People held on remand since March last year have been subjected to conditions that amount to solitary confinement under a restrictive regime, which reduced the time spent out of cells to about 30 minutes a day. Last year, the outgoing chief inspector of prisons in England and Wales said the restrictions risked causing "irreparable damage" to prisoners' mental health.

Contact with friends, families and others has been restricted to monthly video calls, with many unable to speak to their loved ones at all. Earlier this year, Fair Trials published a report containing first-hand accounts from people held on remand during the pandemic, with one describing the conditions as "inhumane" and another saying they had been treated like animals. An MoJ spokesperson said: "Courts have prioritised remand hearings during the pandemic and only those posing the greatest risk to the public or who are likely to abscond are held in prison. Extensions to normal custody time limits must be approved by independent judges and defendants have the right to apply for bail."

100 People Held More Than 20 Years in 'Institutions'

Jayne McCubbin & Ruth Clegg BBC: One hundred people with learning disabilities and autism in England have been held in specialist hospitals for at least 20 years, the BBC has learned. The finding was made during an investigation into the case of an autistic man detained since 2001. Tony Hickmott's parents are fighting to get him housed in the community near them. BBC News overturned a court order which had prevented reporting of the case. Mr Hickmott's case is being heard at the Court of Protection - which makes decisions on financial or welfare matters for people who "lack mental capacity". Senior Judge Carolyn Hilder has described "egregious" delays and "glacial" progress in finding him the right care package which would enable him to live in the community. He lives in a secure Assessment and Treatment Unit (ATU) - designed to be a short-term safe space used in a crisis. It is a two-hours' drive from his family.

A few weeks ago, Judge Hilder lifted the anonymity order on Mr Hickmott's case - ruling it was in the public interest to let details be reported. She said he had been "detained for so long" partly down to a "lack of resources". Like many young autistic people with a learning disability, Mr Hickmott struggled as he grew into an adult. In 2001, he was sectioned under the Mental Health Act. He is now 44. "Nine months we were told he'd be away, until they found him a suitable