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Intervene Project: Providing Representation for Those Abandoned in Prison

Evie Smith, Law Gazette: In response to the cuts in legal aid following the Legal Aid, Sentencing and Punishment of Offenders Act 2012, Kesar & Co Solicitors established Intervene Project in 2013. We are a legal charity that provides free legal advice and representation to prisoners who no longer qualify for legal aid. The current legal aid crisis and its devasting impact on the justice system is no secret, however the fact that prisoners are amongst those most detrimentally impacted is persistently overlooked. Following LASPO 2012, prisoners have been stripped of legal aid in a vast array of matters. This has created a widening legal aid gap that allows mistreatment to plague UK prisons, unchallenged.

There are currently 79,092 prisoners in the prison population. For many who have faced abuse and whose only recourse is through the courts, this gap has stripped them of their access to justice. We are striving to plug this legal aid gap, believing everyone, including prisoners, deserves access to justice and to have their human rights protected. It should be noted that migrants face a strikingly similar legal aid gap to prisoners. We have represented clients in a wide array of matters, covering discrimination, human rights, clinical negligence, prison law, criminal law, property, data protection and appeals. We have secured many positive outcomes for our clients including formal apologies; investigations into abuse and negligent conditions; improved health and mental health treatment; improved access to employment, education and rehabilitative resources; transfers that have vastly improved quality of life; the removal of restrictions on contacting family and legal representatives; the dismissal of adjudications; and many sums of compensation, including one in excess of £20,000.

Our clients contact us daily reporting serious abuses they have faced. One such client received long-lasting burns after an officer negligently attempted to administer boiling water to him through his cell hatch using a rolled-up piece of plastic. Another was supplied two consecutive meals containing maggots, and still suffers from symptoms following severe food poisoning, several months later. In response to his complaints, our client was flippantly told that 'some things get through the net.' A further client is suffering a second winter deprived of cell heating, despite this matter being repeatedly relayed to his governor last year. None of these clients currently qualify for legal aid.

The fact that this abuse is commonplace within our prison system is highlighted by the staggering demand for our service. In just six months, our active caseload has doubled, and we now assist over 200 prisoners. 80 more potential clients await referral, and this figure increases daily. As word of our service has spread across the prison estates, our clients now request our help directly, in addition to being referred to us from Kesar & Co. Despite our contribution of 4000 hours of pro bono work annually, we know we have barely scratched the surface in offsetting the problem of legal aid cuts for prisoners. However, we are reaching peak capacity, and our resources are limited. Donors do seem reluctant to help prisoners so donations are few and far between. We depend fully on the determination and support of Kesar & Co, our very small pool of current donors, and our team of volunteers, managed by one full-time member of staff. We urgently require increased financial support to continue increasing our capacity and providing representation to as many in need as possible. In addition to increasing access to justice for those abandoned by LASPO, we also play our part in encouraging aspiring legal aid practitioners to stay committed, and not feel pressured to pursue alternative paths for financial reasons. A reduction in legal aid firms leads to a reduction in opportunities for aspiring legal aid lawyers to gain the training they need to thrive in the current climate. Our volunteer caseworkers are given an unparalleled opportunity to assist with all stages of our client's cases, from initial advice to issuing county court claims. They are guided by the solicitors at Kesar & Co, with whom we share premises. To supplement our casework, we have launched our first research project in late 2021, in collaboration with the University of Law. Our volunteers are talented law students who are placed at the forefront of identifying poor and ineffective practices within the justice system and ways in which the legal aid budget could be better spent to secure justice for those who need it most. We have additionally collaborated with organisations and independent researchers who share our values; do contact us if you or your organisation would similarly like to collaborate.

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Decriminalisation of Cannabis Possession Needed to Tackle Disproportionate Policing

Udit Mahalingam, Justice Gap:The decriminalisation of cannabis possession offences is needed to mitigate disproportionate drugs policing and the 'hyper criminalisation' of ethic minorities, according to leading policy researchers. A new report from the drug reform charity Release (Regulating Right, Repairing Wrongs: Exploring Equity and Social Justice Initiatives within UK Cannabis Reform) has drawn attention to how the 'skewed enforcement of drug laws has exacerbated racial profiling and the hyper-criminalisation of ethnic minority groups', as well as 'those who are socio-economically deprived, and of other disadvantaged groups'. Cannabis is currently categorized as a Class B controlled drug in the UK under the Misuse of Drugs Act 1971, meaning that it is illegal to possess, supply, or produce the substance. In their February 2021 review of disproportionate use of police powers, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services found that 'the high prevalence' of stop and searches 'for possession of drugs rather than supply' indicated that 'efforts are not being effectively focused on force priorities'. The review also noted that the disproportionate enforcement of drug laws, 'despite evidence that there is no correlation between ethnicity and drug use', would have 'far-reaching and long-lasting' consequences, including leading to 'more Black, Asian and Minority Ethnic people being drawn into the criminal justice system'. According to Release: 'The harms produced by the prohibition of cannabis are primarily carceral – police stop and search, surveillance, criminalisation, incarceration – and are harmful to people whether or not they use cannabis.' To combat the long-standing effects of these issues, Release has proposed that fourteen guiding social equity principles be integrated into the future legal cannabis market, a full list of which is available to view here. At the start of the year it was reported that the London mayor, Sadiq Khan were looking at rolling out further pilots based on a successful scheme from Thames Valley police which offered classes or counselling, rather than arrest, to under-25s caught with small quantities of cannabis.

Release argue that criminal or civil sanctions for the use or the possession of cannabis, regardless of their legal or illegal origin, must be removed to ensure that those who are incarcerated because of punitive drug policies are not excluded from the legal market. Drawing on their evaluation of regulatory frameworks in countries such as North America and Canada, the paper argued that the'legalisation of adult recreational cannabis use should not lead to a situation where youth, and disproportionately Black youth, are still stopped, searched, and

arrested by the police for the possession of cannabis'. 'Without protections for the use of cannabis in public (subject to the same protections for, and restrictions to, the smoking of tobacco in public), people who lack access to safe and private areas to smoke can still face police intervention and potentially harmful penalties, and it is likely to be disproportionately Black and other ethnic minority individuals who are arrested for public use.' The group calls for the 'automatic expungement' of cannabis crimes as well as other historic offences to ensure that people have the adequate means by which they can 'have the slate wiped clean'. Release notes a 'growing consensus' that tax generated through the legal cannabis market could be invested in communities that have been 'overly criminalised, as well as in harm reduction and wider drug treatment initiatives'. 'At present, the UK's tax system does not naturally align itself with this type of revenue reinvestment, and the adoption of this principle would require adaptation(s) to our current system,' Release says. 'This is no reason to say that this should not be changed to accommodate reparations as a way to redress the harms caused by cannabis prohibition.' 'The legal renaissance of cannabis is a vital opportunity to address the harm that cannabis prohibition has caused to Black and Brown communities and to people with lived experience of cannabis policing,' explained Dr. Laura Garius, Release's policy lead and one of the report's authors. 'The UK Government's new drug strategy regurgitated a "tough on drugs" rhetoric, despite the Home Office's own research concluding that the estimated £1.6 billion spend per year on drug law enforcement is not impacting levels of drug use.' 'Change is inevitable – cannabis is the most widely used illicit drug in the UK and the world, and it is simply too lucrative a market for politicians to ignore', notes Dr. Garius. 'However, we must make sure that cannabis will be regulated right'.Nevzlin v. Russia:

Jury Foreman Sentenced Over Internet Research

Law Gazette: A foreman of a jury who carried out internet research that led to the conviction of a defendant has been given a suspended prison sentence. Timothy Chapman, 62, caused other members of the split jury at Huntingdon Crown Court to change their mind after using a search engine to ask the question: 'How hard is it to break bones?' Prosecutor Hugh Vass told St Albans Crown court last week that the juror failed to heed a warning by Judge (Caroline) Wigin about carrying out internet research. He said: 'Mr Chapman was the foreman of the jury at Huntingdon crown court. The case involved a punch that caused a broken cheek bone. 'The jury were sent out to deliberate on Thursday 28 January 2021. At the close of business the jury were evenly spilt 5 to 7. They were sent home. That night he used a search engine and asked: "How hard is it to break bones? The jury returned the next day and were still split. The defendant told the jury that he had worked with crash test dummies and the impact would have to be very forceful. He did not mention he used a search engine. He said he had looked over notes from work. Some jurors changed their mind. One challenged him, but a unanimous guilty verdict was returned.' In May last year a member of the jury complained and Chapman was arrested. He told the police when he went home he said he used a tablet to search the internet. Vass said Chapman gave no explanation as to why he did not send a note to the judge via an usher. He said he believed he was doing the right thing

The Huntingdon conviction was quashed and there is to be a retrial at "considerable cost" to the tax payer, said the prosecutor. Chapman pleaded guilty to carrying out research and sharing research while a juror. Defending, Mark Shelley of criminal defence firm Mark Shelley and Co said 'This is a desperately sad case. He is a 62-year-old man who has never been in trouble. He had never done anything stupid like this before. 'It's not at the top end of juror problems - he

did not contact anybody. He thought he was trying to help. He has worked with crash test dummies and wanted to be sure in his own mind despite the warnings from the judge.' Judge Richard Foster told Chapman: 'Members of jury were swayed by your input from your internet research. The quashing of the conviction caused a significant public cost and witnesses will have to go through it all again.' The judge said normally an immediate custodial sentence is imposed, but he was able to suspend the sentence because of the strong mitigation. He passed an eight-month sentence suspended for 12 months, pay £1,000 costs and a £500 fine.

Trial in Absentia and Conviction Violation of Article 6 ECtHR

Leonid Borisovich Nevzlin, is an Israeli and Russian national who was born in 1959 and lives in the city of Herzliya (Israel). The case concerns Mr Nevzlin's trial in absentia and conviction for three counts of murder, one of aggravated robbery, and three of attempted murder, for which he received a life sentence. Relying on Article 6 § 1 (right to a fair trial), Article 6 § 2 (presumption of innocence), and Article 6 § 3 (a) (right to be informed promptly of an accusation), (b) (right to adequate time and facilities for preparation of defence) and (d) (right to obtain attendance and examination of witnesses), the applicant complains, in particular, that he was not notified of the charges against him, that the trial court relied on evidence that came from other trials, and that the judge denied him time to prepare his defence and the opportunity to call witnesses. He complains that the judge implied that he was guilty of murder during the trial. Relying on Articles 6, Article 14 (prohibition of discrimination) and Article 18 (limitation on use of restrictions of rights), the applicant complains, in particular, that his prosecution was part of a politically motivated discriminatory campaign of persecution against Yukos shareholders. Violation of Article 6 §§ 1 and 3 (a) and (b)

Covid Prosecutions One in Three Wrongly Brought

Jon Robins, Justice Gap: Campaigners are calling for an end to all Covid-related prosecutions in the UK after it was revealed that one in three prosecutions were incorrectly brought. An review by the Crown Prosecution Service found that hundreds of people have been wrongly charged and prosecuted under the Health Protection (Restrictions, Coronavirus) Regulations and the Coronavirus Act 2020 – as reported by the Independent. 'We cannot have a justice system where people in power can break lockdown with impunity while others are prosecuted and fined,' commented chief executive of Fair Trials, Norman L. Reimer. 'The government's response to the pandemic has been to extend police powers and create a raft of new criminal offences. Policing has been heavy-handed, discriminatory, and in hundreds of cases, unlawful. The pandemic has highlighted pre-existing divisions in our societies and none more so than in our criminal justice system. While ordinary people were being fined for meeting more than one friend, those in power engaged in such conduct with impunity while calling for others to be prosecuted. What better evidence is there that we have a two-tiered system of justice?'

The group pointed out that the majority of charges under the regulations had not been looked at as they have been brought under the single justice procedure, leading to the risk of hundreds more unlawful convictions. Single justice procedure cases are charged by the police and heard 'on the papers' by a single magistrate alongside a legal advisor. Almost 5,000 coronavirus cases have been dealt with via the procedure. As of November 2021, police in England and Wales had processed a total of 118,438 fixed penalty notices (FPNs) for breaches under the Health Protection (Coronavirus, Restrictions) Regulations 2020 and subsequent amendments. As of June 2021, 369 fines of £10,000 had been given out for 'participating in a large gathering'

(more than 30 people) under the Regulations in England and Wales. 3,941 fines of £800 had been given out for participating in a gathering of more than 15 people.

According to Fair Trials, the criminal justice response to the pandemic has 'not only been heavy-handed but discriminatory'. 'Police have been twice as likely to fine young Black, Asian, and minoritised ethnic people for alleged lockdown offences, while stop and search rose 24% during the first year of the pandemic, despite people being at home much more due to the restrictions,' says the group. 'Black people were seven times more likely to be stopped than white people, and the equivalent of one in five ethnic minority teenagers were stopped and searched in London.'

Ill-Treatment of Detainees Who Had Been Interned in the 1970s

Anurag Deb, UK Human Right Blog: In one of its final decisions of 2021, McQuillan, McGuigan and McKenna, the UK Supreme Court addressed challenges to the effectiveness of police investigations into events which took place during the Northern Ireland conflict. The European Court has long maintained that the right to life (Article 2 ECHR) and the prohibition upon torture and inhuman and degrading treatment (Article 3 ECHR) carry with them positive obligations on the state to conduct effective investigations. These "legacy" cases not only draw the Courts into debates over some of the most contentious aspects of the Northern Ireland conflict, in particular the involvement of state agents in killings and the infliction of serious harms upon individuals, but they also pose questions about how human rights law applied in the context of Northern Ireland as a jurisdiction before the enactment of the Human Rights Act 1998.

For reasons of economy, this post will focus on the facts of the McGuigan and McKenna elements of this litigation, which concerned the ill-treatment of detainees who had been interned in the 1970s (while also exploring broader questions which concerned all elements in the litigation). The scope of this ill-treatment, involving the subjection of internees to the infamous "five techniques" (including hooding of detainees to disorient) as part of interrogations, has long been known. Indeed, the resultant case of Ireland v United Kingdom remains a key turning point in the development of the European Convention on Human Rights, demonstrating that the Strasbourg Court would be willing to uphold human rights claims against an important member state even as it sought to tackle political violence.

"Disappointing' Progress In Work To Keep Women Out Of Prison"

It's Not What You Promise that Matters, But What You Deliver

Independent, Prison Reform trust: The Government has made "limited progress" on steering women away from crime and keeping them out of prison, according to a report. Whitehall's spending watchdog the National Audit Office (NAO) found the Ministry of Justice has not made its female offender strategy a "priority" or matched its promises with funding. The Government previously promised to cut the number of women in custody and provide effective support to deal with problems which could lead to crime in the first place or reoffending. "This report reads as a cautionary tale for everything the Deputy Prime Minister is saying on criminal justice reform. It's not what you promise that matters, but what you deliver. Inexcusably, the government never set itself any deadlines or targets to deliver a policy on reducing offending by women. So it's hardly surprising that the National Audit Office now confirms what others have been saying for the last three years—that thousands of vulnerable women, and the general public, continue to be failed.

"It's easy to talk tough on sentencing, and it's easy to publish ambitious strategies. But none of that makes the public safer or reduces the waste of money and human potential that our current approach to dealing with crime represents. Delivering real change for women at risk of imprisonment is a testing ground for what the government says it wants to do on crime more generally. Its credibility now utterly depends on putting fine words into practice." Gareth Davies, head of the NAO, said: "The Ministry of Justice has not made the female offender strategy a priority. "The strategy is intended to improve outcomes for women, but a lack of clear goals makes it hard to evaluate progress. Even in the areas where it focused attention, such as developing community options for women, delivery has been disappointing. The Ministry of Justice must clarify its aspirations and priorities for women, and match these to clear actions and funding, to improve how the criminal justice system treats women."

Kate Paradine, chief executive of the charity Women in Prison accused the Government of "failing to follow its own evidence and strategy which acknowledges most women in prison should not be there" and urged it to invest in support services rather than spend money on building more prison places. The Safe Homes for Women Leaving Prison initiative said the report made for "deeply depressing reading", adding: "To deliver on its own strategy, the Government needs to find and invest the modest sums required and learn from, and adopt, the initiatives already working in the volunteer/charity sector… In particular, it has to accept that discharging any woman into homelessness, never mind the staggering high numbers that we are seeing, is not in the best interests of the individual, society or the taxpayer." A Ministry of Justice spokesman said: "We launched the female offenders strategy in 2018 with the aim of steering women away from crime and since then the number of women entering the criminal justice system has fallen by 30%. We are investing tens of millions of pounds over the next three years into community services like women's centres, drug rehabilitation and accommodation support so that fewer women end up in prison."

CPS Denies Suggestion it Shrinks Fonts to Reduce Page Count

Law Gazette: The Crown Prosecution Service has refuted comments made by the chair of the government-commissioned legal aid review this week that the prosecuting body deliberately keeps pages of prosecution evidence down by shrinking the font – which would affect how much legal aid practitioners are paid. Pages of prosecution evidence are one of multiple factors under the litigators graduated fee scheme (LGFS) that determine solicitors' fees. Sir Christopher Bellamy QC, who led the independent criminal legal aid review, appeared before the House of Commons justice select committee on Tuesday, where he was asked about fee scheme reforms.

Bellamy told the committee that LGFS had 'grown into a monster, where page count has become divorced from actual work', resulting in a system where some cases are not paid and other cases are paid too much. As a compromise, he suggested the basic model underpinning the magistrates court scheme - which has three levels of fees depending on the complexity of the case - could be used at the police station and replace LGFS. Bellamy said: 'Solicitors should therefore be paid for the preparation work they do properly and we should get away from this somewhat medieval practice of counting the pages insofar as they are pages. Senior officials at the CPS were telling me the other day they actually deliberately shrink the font of the pages served in order to reduce the page count. It's very difficult to imagine a criminal justice system reduced to that sort of manoeuvre.' Criminal practitioners were furious. 'What we have long suspected, and this is the tip of the iceberg,' former London Criminal Courts Solicitors Association president Mark Troman said on Twitter. - A CPS spokesperson said: 'We are not responsible for the formatting of these pages.'

Damages for Man Held in Prison for 21 Months

Duncan Lewis: An Iranian national, who had lived on and off in the UK lawfully since 1970, first came to our attention in June 2019 in Harmondsworth Immigration Removal Centre. He had been detained since May, was facing removal to Iran and his application to remain in the UK on article 8 human rights grounds had been refused. It transpired that he was over 60 years old, had British children and grandchildren in the UK and had been granted Indefinite Leave to Remain in 2001. He had previously worked in business, education and journalism. In February 2015 he had been sentenced to 8 months for an offence and as a result of the aggregation of a previous sentence of 18 weeks, was served with a deportation order. He was recorded as suffering from depression. He did not manage to obtain legal advice in prison and so did not appeal his deportation. His Indefinite Leave to Remain was therefore revoked. At the end of his sentence, he remained in prison but no steps were taken to remove him to Iran and he remained in prison until November 2016, when he was released on immigration bail. This was despite the Home Office being informed by the prison that the client's mental health was deteriorating and the Independent Monitoring Board writing to them requesting reasons for the delay. No details of the risk assessment which assessed him as being unsuitable for transfer to a detention centre were provided.

After he was released in November 2016, the Home Office notes recorded that the client was not currently removable. Even so he was re-detained in May 2019, although by then he was over 60 and met the criteria of a level 3 Adult at Risk in detention and only to be detained in rare circumstances. Duncan Lewis were initially instructed to apply for bail, which was granted at the end of June 2016, and appeal the refusal of the human rights application. The appeal was successful in March 2020 but the Home Office applied twice, first to the First-tier and then the Upper Tribunal for permission to appeal the decision and were refused on both occasions. The Home Office had deferred responses to the pre-action correspondence regarding the lawfulness of the two periods of the client's detention until the appeal was resolved. The civil claim was issued in January 2021 and settled recently for very significant damages.

CPS Proposes New Guidance on 'Mercy Killings'

Sam Tobin, Law Gazette: The CPS has launched a public consultation on updated legal guidance on homicide offences, which sets out public interest factors prosecutors should take into account when dealing with suspects in deaths arising out of failed suicide pacts or mercy killings. Prosecutors should consider whether suspects in so-called mercy killings are 'wholly motivated by compassion' in new guidance proposed by the Crown Prosecution Service.

The proposed guidance is designed to give clear advice to prosecutors and includes reference to factors similar to those set out in guidance for prosecutors in cases of encouraging or assisting suicide, the CPS said. Factors where a prosecution would be less likely include when the victim reached 'a voluntary, settled and informed decision to end their life', the suspect was 'wholly motivated by compassion', the suspect attempted to take their own life at the same time or where they reported the death to the police and 'fully assisted the authorities'. Where the victim was under 18 or lacked mental capacity to make an informed decision to end their life, or there was a history of violence or abuse against the victim, are among the factors which would tend to favour prosecution under the updated guidance. The CPS said the guidance would not decriminalise any offences and does not touch on assisted dying or other similar scenarios which are treated separately in law.

Max Hill QC, the director of public prosecutions, said: 'Suicide pacts and so-called mercy killings are tragedies for the family and friends of those involved. It is a sensitive and emotive topic which

can be very divisive and provoke strong views, but our prosecutors may need to decide whether the legal test for criminal charges has been met. 'The individual circumstances of every case must be carefully weighed up when considering whether it is in the public interest to charge. It is important that we clearly lay out the reasoning behind our decision-making, and we are seeking views on a range of factors which would be considered when determining whether it is appropriate to prosecute. 'But let me be clear that these are extremely serious cases. We will always prosecute cases of murder and manslaughter where there is sufficient evidence and it is in the public interest.'

Left Hanging - Imprisonment for Public Protection a Policy Without Supporters

Catherine Baksi, Law Society Gazette: Abolished in 2012, why are so many prisoners still caught in its clutches? Pressure is mounting on the government to remedy an injustice branded by former Supreme Court justice Lord Brown as the 'single greatest stain on our criminal justice system'. The former lord chief justice, Lord Thomas of Cwmgiedd, told the House of Commons justice committee last December that all prisoners serving indeterminate sentences of imprisonment for public protection – so-called IPP sentences – should be resentenced. Lord Thomas said: 'You need to fix the immediate problem quite quickly by some sort of rough and ready justice; first, to deal with those who are still in prison when you have gone beyond the maximum that they could have for a determinate sentence, and, secondly, to deal with those on licence.' Because 'something has gone wrong', said Thomas, this requires looking at the 'injustice' that has been done to IPP prisoners, the majority of whom were not dangerous, yet in respect of whom imprisonment has 'made worse and less susceptible to release than had they been given a determinate sentence'. In the same week, peers on both sides of the Lords called for an amendment to the Police, Crime, Sentencing and Courts Bill to allow for the release of IPP prisoners who had served more than their tariff sentence unless they posed a risk to the public, and to reduce the time they spend on licence. Tory peer and former solicitor general Lord Garnier QC told his colleagues: 'This obscenity must now end.'

Being Gay Inside

Inside Time: It never even crossed my mind when I entered prison for the first time 4 years ago – being gay in prison, or out, or sexuality. I entered prison as a bloke. Not a gay bloke. But never attempted to cover up the fact I like other men. I'm funny and have what a psychiatrist may call a highly developed sense of humour. My humour is often a defence mechanism. A device to hide insecurities or social anxiety, but never about being gay. Being gay is not nor ever has it been an insecurity. In fact, a happy 'camp-ness, often embellishes my humour. I am a funny man. I began in prison as a fresh face. I remained calm, my usual friendly, open, polite and honest self and being open about being gay was often a shock for lads but rarely an issue. If this information was ever received with any hostility I would question and persuade the individual to accept it. By removing taboo and fear. Successfully. It seemed natural to stand up for who I was against fear and ignorance. No seed of disrespect should ever be left to grow in prison. It is important to be someone. No matter what that is. Be bright. Be valuable. I was proud of my life choices and not insecure about who I was; my fearlessness in the face of institutional, societal and generational homophobia, in prison was abnormal and I wasn't a socially constructed stereotype or a push over and it caused individuals to question they're or the groups homophobia or fear. I was respected. I made friends. Prison was never a punishment or unhappy because I had what was important for happiness. Love.

I did not judge therefore I was not judged. There's wisdom in there… many prisoners came out to me privately. Confidence kept. It is obvious that my experience isn't common for most gay prisoners. But I'm not a common person and prison made me realise that. I didn't know I was fearless. I had some of the best times in my life in prison, a tragedy. It's a very colourful experience and hugely educational. If you are without fear and compassionate and enjoy making others laugh it can be the worst all-inclusive holiday you've ever been on, but a right laugh, even an adventure, even rewarding. I'm not qualified to advise anyone about anything but one thing I will say. "Be yourself, unless being yourself is a sausage! Being gay isn't a big thing, so don't make it a big thing, it's one facet of a very complex human being." Sexuality doesn't define a person nor should it, in my opinion. Fear is the only thing that exists between you and emotional success, happiness and real brotherhood, whether you're gay or bi and scared to be yourself or the homophobe scared to be anything else!

Laughing, mocking and gossiping about the gay lad on the wing is for girls not prisoners and when it's done repetitively, obsessively and becomes sexualised it's harassment, not banter and says a lot about the person(s) doing it…. but I'll let you fathom that out….Don't let any person, family member, parent, institution, gang or environment make you ashamed of who you are inside and propel you to pretend to be someone else and live half a life. No one deserves that punishment. Never give anyone or any situation power over you, because in doing so you imprison yourself.

'Vision for Prisons' Mixed Reaction From Charities to White Paper

Inside Time: Charities and campaign groups have given a lukewarm response to the vision for prisons set out by Justice Secretary Dominic Raab in his Prisons Strategy White Paper. Andy Keen-Downs, chief executive of the prisoners' family charity PACT, welcomed some aspects of the strategy published in December, saying: "It's good to see some investment in employment, addiction treatment, and in diversion. It's good to see a recognition that families and good relationships are important aspects of rehabilitation and contribute to reducing re-offending … So, we will give credit where it is due. But mostly, the White Paper does not bring any big new ideas that we can welcome." He criticised the reaffirming of the Government's central commitment to spend £4 billion building extra prison places, to prepare for an increase in the prison population in England and Wales from 80,000 to 100,000. Warning that the Government would struggle to recruit enough new prison officers when there is already a workforce crisis in existing jails, he accused ministers of "building prisons we can't afford, can't staff, and which will become dead ends for tens of thousands of people".

The rehabilitation charity NACRO welcomed what it called "real positives" in the paper published in December, singling out three measures for praise: a pledge of temporary accommodation for all prison leavers, a possible end to Friday releases, and a renewed focus on education and employment. However, it concluded: "On the bigger picture there is a missed opportunity to make more radical change." It joined the criticism of the Government's plans for an increase in the prison population, saying it marked "a depressing ambition for any modern society". And it said there was nothing in the strategy to tackle race inequality, with one in four prisoners coming from Black and minority ethnic communities. NACRO warned of the risk of a "two-tier prison system" developing, as new prisons are fitted out with in-cell technology but older jails lag behind. The charity welcomed the idea of "Resettlement Passports", which are intended to ensure prison leavers are work-ready by bringing together their proof of ID,

CVs and bank accounts – but it warned: "This will need real thought in its delivery."

Andrea Coomber, who took over from Frances Crook in November as chief executive of the Howard League for Penal Reform, judged Raab's vision as "not all terrible". She said: "Some of the ideas in the White Paper could begin to address prisons' dire record on safety, education, work and resettlement, and the Howard League has long supported more autonomy for prison governors. However, the overall strategic vision is one which will send more people to prison every year, compounding the very problems that the White Paper seeks to solve." According to the White Paper, one of the lessons learned from the Covid lockdowns "is that in parts of the estate, mass unstructured social time can make some prisoners feel unsafe and can inhibit the ability of staff to manage risks of violence and bullying". The Government's solution is to give governors more powers to reshape the prison day, possibly leading to prisoners spending more hours locked in their cells. Coomber criticises this conclusion, warning: "We are only now beginning to see the impact of locking people in their cells for up to 23 hours a day for an extended period." She also criticises Raab's intention to publish league tables ranking prisons by their performance, pointing out that the Government proposed this in its last prisons white paper in 2016, but subsequently went cold on the idea.

Peter Dawson, director of the Prison Reform Trust, said: "Safer prisons that rehabilitate are in everyone's interests. So, investment in preventing drugs from getting into prisons and helping people get clean is all welcome. But it's hardly a new ambition and the track record of delivery on prison promises is poor. "You can't build prison reform on a foundation of overcrowded, dilapidated prisons where prisoners spend most of their day in their cells. That's what life is like in the prisons where these problems are most acute. The government is in danger of addressing the symptoms of our broken prison system, not its causes." Responding for Labour in the House of Commons, shadow justice minister Ellie Reeves called the White Paper's proposals "a sticking plaster over the fundamental crisis", saying: "A shocking 75 per cent of prisoners reoffend within five years of release, so we welcome measures on training and education and resettlement, but how can they be implemented when there are not enough staff, when prisoners are kept cells for up to 23 hours a day, when assaults in prisons have doubled since 2010, when the prison budget has been slashed by £6 million since 2010, and when self-harming incidents in prisons have increased by 132 per cent?"

Prisoners Need a Social Life

Inside Time: Charlie Taylor Chief Inspector of Prisons has said it is important that prisoners are allowed to have a "social life" by mixing together outside their cells. "They need to be with each other. Particularly if you're serving a very long sentence, 15 years or that sort of length, the idea that you're going to be studying or preparing for your release is really fanciful – and therefore that social time is incredibly important." He made the point as he spoke out about a proposal in the Government's Prisons Strategy White Paper which could lead to prisoners spending longer each day in their cells. The document, published in December, claims Covid lockdowns made prisons safer by reducing the amount of time residents spent outside their cells because "in parts of the estate, mass unstructured social time can make some prisoners feel unsafe and can inhibit the ability of staff to manage risks of violence and bullying".

Addressing MPs and peers on the All-Party Parliamentary Group on Penal Affairs, Taylor cautioned against "learning the wrong lessons from the pandemic". He said: "The solution to higher levels of violence in prison isn't to keep prisoners locked behind their doors for long

periods of time, it is to make sure that there are sufficient highly trained high skilled members of staff in order to build support those prisoners … Actually, one shouldn't forget how important prisoners' social life is as well." The White Paper says that the Prison Service's Future Regime Design programme will give governors of English and Welsh prisons more power to decide how prisoners spend their time.

Taylor conceded that social time, also known as association time, needed to be kept safe, adding: "We have frequently as an inspectorate raised concerns about unstructured social time where prisoners are not properly supervised and therefore, we can get things like bullying, intimidation, use of drugs, those sorts of things. But it doesn't mean that time for socialise isn't important. And it doesn't mean that keeping prisoners behind their doors for long periods of time is ever the solution to rehabilitation. "It costs £45,000 a year to keep someone in prison. It's not a good use of taxpayers' money if they're spending 23 hours a day behind their door." The Prison Officers' Association has led calls for the ending of association time. Last year the Ministry of Justice organised a consultation on a secret set of proposals to restructure the prison day, which involved staff and charities but not prisoners or the public.

Longer Prison Sentences Have Failed To Improve Public Confidence

Prison Reform Trust: The majority of people in England and Wales significantly under-estimate the severity of current sentencing practices, according to the findings of a new survey published today. The survey, commissioned by the Sentencing Academy and launched in the latest edition of the Prison Reform Trust's Bromley Briefing Prison Factfile, reveals that despite increases in sentence lengths over the last 25 years, there has been almost no change in the public's general attitudes to sentencing severity. Writing in this year's 'Long View' the authors, Professor Julian Roberts and Dr Jonathan Bild of the Sentencing Academy, found that three-quarters (76%) of respondents who expressed a view (i.e. excluding those who answered 'don't know') said that they believed that sentencing was too lenient, down just three percentage points since 1996. But the survey reveals significant gaps in the public's knowledge of what has actually happened to sentencing practices during that time.

The average length of a prison sentence has increased since 1996, rising by more than a third in the decade between 2009 to 2019 alone, with the average sentence length increasing from 13.8 months to 18.9 months.— However, when asked whether the average prison sentence had become longer, stayed the same or become shorter during this time, 75% of those who expressed a view believed that sentences had become shorter—the opposite of what has happened. Sentencing for the most serious offence—murder—has become much more severe over the past 20 years as a result of changes introduced by Parliament in 2003. The minimum term imposed for murder—the period a person must serve in prison before release can be considered—has increased from an average of around 12 years to around 21 years today. When asked, just 2% of respondents identified the correct answer that the average minimum term is much longer than 20 years ago and only 6% considered that such sentences had increased at all in the past two decades. Once again, of those expressing a view, three-quarters considered that sentencing levels for murder had gone in the opposite direction. Similar findings were observed when asked about the likelihood of receiving a prison sentence if convicted of a particular offence, and how long the sentence would be on average. In 2019, 96% of men aged 21 or over convicted of rape were sent to prison. Yet a significant minority of the public (42%) believe the imprisonment rate to be 25% or less.

JENGbA's Campaign Against 'Joint Enterprise

Joint enterprise is a common law doctrine that can apply where two or more people are allegedly involved in an offence or offences. Thousands of people to have been prosecuted under the joint enterprise doctrine, with potentially as many as half of those convicted identifying as people of colour. Evidence about people's associations - based on stereotypes and prejudices - has been used to support joint enterprise prosecutions, in ways that have resulted in significant racial and class disproportionality in the criminal punishment system. On 18th February 2016 and following years of tireless campaigning by JENGbA, won a Supreme Court case in which the Judge said that the law on joint enterprise had taken a "wrong turn." But due to the onerous legal burden of proving 'substantial injustice,' as well as the oppressive time limit of 28 days, only one person has been successful in appealing their conviction since. JENGbA currently supports over 1000 men, women and children convicted under Joint Enterprise. JENGBA have now poropsed changes to the law on 'Joint Enterprise'

1. Currently, to apply for permission to appeal (herein after referred to as "leave") against a criminal conviction, the applicant must serve their application within 28 days following the date of conviction. All other applications are out of time and at the discretion of the judiciary.

2. The impact of this time constraint is greatest felt when an applicant seeks to appeal against conviction on the basis of a change in the law which is material to their conviction as these cases are more likely to be out of time.

3. Those who appeal within time will have their appeal upheld where the conviction is 'unsafe' i.e., the person might reasonably not have been convicted had the law been correctly applied. Comparatively those appealing out of time and on the basis of a change in the law, must pass an additional appeal hurdle known as the 'substantial injustice' test i.e., the person would not have been convicted had the law been correctly applied.

4. Subsequently, the substantial injustice test is far more onerous than the safety test and it arguably violates the applicant's rights enshrined within Article 6 of the European Convention on Human Rights.

5. The aim of this proposed amendment is to remove the 28-day time limit and provide for compulsory leave to appeal where there has been a change in the law which is material to the conviction and either (i) the application for leave is served before the conviction is spent or (ii) there is some other compelling reason why it is in the interests of justice to do so.

6. These conditions uphold the principle of finality and recognise that law must be allowed to alter with the changing needs of society without detriment to justice.

If these proposed changes can be made law, then hundreds of prisoners will be able to go back to court and get released.

Serving Prisoners Supported by MOJUK: 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 Cullinene, 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 Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan