

There Must be a Root and Branch Reform of Prison Mental Health Support

The mental health crisis in prisons will continue unless root and branch reform takes place, a report by the Justice Committee has found. A disjointed and incoherent approach to care has left many prisoners suffering from mental health issues undiagnosed and unable to access care. It calls on the NHS, Ministry of Justice and the Prison and Probation Service to implement a system of integrated care, that improves identification of mental health issues, provides seamless care while in prison and supports transition to care in community settings on release. The report further calls for an end to practices that see prisons used as a safety net for when mental health services are inadequate or missing in the community. The Government must address the lack of capacity to support community orders with mental health requirements that means it is not a sentencing option in many parts of the country. The Committee also welcomes Government proposals to end the concept of prison as a 'place of safety' for those with acute mental health needs and calls for this practice to be abolished by 2022. Publishing the report, Chair of the Justice Committee Sir Robert Neill MP said: "Mental health in prisons is not treated with the focus it needs. When there isn't sufficient data to even give an indication of the scale of the problem it is clear that there needs to be concerted and systemic reform. We do not know how many people are missing out on the help they so desperately need or how effective current mental health support systems are and this needs to change fast. We are calling on the Prison and Probation Service, NHS and Ministry of Justice to work together to develop an integrated approach to mental health in prisons. It must ensure that all prisoners with mental health needs are identified and guided to support services. Care must be seamless, both in accessing different physical and mental health support, and in ensuring a smooth transition to community care when leaving prison. We have a duty of care to those who are in prison and we must do more to live up to it."

Understanding the Scale: Roughly 10% of the prison population are receiving treatment for mental illness, however as many as 70% may be suffering from mental health issues. The true scale of the mental health crisis is not well understood because data collection, on the extent of mental health issues and spending on treatment, is poor. Without this benchmark data it is not possible to develop strategies to improve support or assess the current quality of intervention programmes. The NHS should assess what shortfalls exist in mental health services in prisons and develop plans to ensure the level of support is equivalent to those outside, also taking into account the specific needs of those in a prison environment.

Staffing: Problems recruiting and retaining experienced, well trained staff need to be addressed or they will continue to impact on the ability of the prison and health service to provide mental health support. The Prison and Probation Service and NHS should develop plans that set out the steps they will take to improve staffing levels and publish these by the end of the year. Pre-employment checking processes should also be speeded up, where possible, to ensure that successful applicant can start work as soon as possible.

Models of Care: More work is needed to implement integrated healthcare across the prison estate. Delivering healthcare seamlessly in a patient centred way, removing barriers

between primary, secondary, mental and physical care, has proven successful in isolated programmes, such as SECURESTAIRS in the youth system. The NHS should commission integrated healthcare across the prison system so that prisoners can access the right mental and physical healthcare without undue delay.

Prison as a Mental Health Safety Net: No one should be in prison simply because mental health support in the community is not available. Too many offenders are sent back in prison because community orders with mental health requirements are unavailable in many areas. The Government needs to be much more ambitious and ensure that these orders are available in all parts of England and Wales by 2023, not its current target of 50%. The Government is right to end the use of prison as a 'place of safety' for people with acute mental illness. Prison is not a safety net for when health service provision is inadequate elsewhere. It should proceed with planned reforms set out in the Mental Health Act Reform white paper and ensure that the use of prison as a 'place of safety' is ended by 2022.

Screening Prisoners: One in 12 prisoners do not receive a health screening appointment within 24 hours of arrival in prison, and BAME prisoners are less likely to have a mental health condition identified than white prisoners. The NHS needs to identify which establishments have a poor record for screening prisoners and put in place action plans to improve performance. It should also review the standards for carrying out health screenings to ensure that they are overseen by competent mental health professionals with experience of the criminal justice system. Prison officers and other operational staff play a crucial role in identifying prisoners in need of mental health support and directing them towards appropriate treatment. The Prison and Probation Service must ensure that staff are fully trained to ensure prisoners with mental health needs are supported, and provide regular refresher training.

Continuity of Care: The transfer of information between community and prison support services needs to be improved. It is vital that prisoners maintain their care, including medication, when they enter or leave prison. The Ministry of Justice, Department for Health, Prison and Probation Service and NHS England should introduce arrangements to ensure prisoner medical records are swiftly available between prison and community settings. They should agree a target date for completing this work and develop a timeline for achieving it.

UK Drug Laws Used as Tool of Systemic Racism

Andrew Gregory, Guardian: Britain's drug laws are racist and cause "High Levels of Mental Health Harm" among black people, a former No 10 race adviser has said. Simon Woolley said drugs legislation introduced 50 years ago had failed to cut the use, supply and harms associated with illegal drugs, and instead was used "as a tool of systemic racism". Despite white people reporting higher rates of drug consumption, black people were more likely to be stopped and searched for suspected drug possession and were more likely to be arrested, charged and imprisoned for drug offences, he said.

Lord Woolley, 59, who was appointed by Theresa May to chair the government's race disparity unit's advisory group and is now a crossbench peer, said the failure of UK drugs legislation was having a devastating impact on public health. "It creates anxiety, stress and alienation that contribute to the high levels of mental health harm experienced across our black communities," he wrote in the BMJ, as he appealed for doctors to speak out on the issue. For decades, politicians from all sides have either turned a blind eye to drug policy failures or weaponised the debate to score cheap political points," he said. "This has led to half a century of stagnation, which has landed with force on our black communities, driving up needless criminalisation and undermining relationships with the police."

Woolley, who this year became the first black man to be elected head of an Oxbridge college, is calling for a review of whether the Misuse of Drugs Act is fit for purpose. In his BMJ article, he urged the medical profession to support a root-and-branch review of the law to consider alternative approaches. "Such a review should provide a comprehensive, independent assessment of the effects of the Misuse of Drugs Act and its fitness for purpose 50 years on," he wrote. "It must also consider in detail the options for alternative approaches, including the growing body of evidence indicating benefit in both decriminalisation of people who take drugs and legal regulation of non-medical drug supplies worldwide." He said UK policy failed everybody, and black communities in particular. "Drug prohibition is racist in its DNA and in its impact on our society today," he wrote. "It is rooted in a series of attacks, in the US, the UK and elsewhere, on non-white communities and the substances they were associated with, regardless of whether they actually took those drugs in high numbers."

Drug-related deaths in England and Wales rose for the eighth year in a row in 2020. They remain at their highest level in more than a quarter of a century, according to the Office for National Statistics. Separate figures show Scotland continues to have the worst drug death rate in Europe. Woolley said a punitive drug policy was "one of the most tangible and damaging means through which systemic racism is experienced in black communities".

Describing the "profound dehumanisation" of stop-and-search tactics and strip searches, both of which he has experienced, he said: "You are stripped bare and have to crudely show that you have nothing hidden anywhere. The sense of being both powerless and humiliated instils anger and deep distrust in not only law enforcement but also the authorities that sanction it. We have a growing literature on what works and what causes harm in drug policy, including how to tackle racial inequalities, which should inform policymakers. We need to base policy on the evidence, not fear and political inertia. We need a mature, informed and open debate on this topic, and we have to be prepared to discuss all options if we are to resolve the current crisis. Whatever our views on how we can do drug policy better, without a serious open and adult discussion – and without the key medical bodies actively supporting that debate – we will face more decades of stagnation and failure."

Prison Staff Failed to Respond to Reports of Noose in Cell of Suicidal Man

Prison and healthcare staff should have done more to prevent an inmate with a brain injury and history of self-harm from killing himself, a jury found. David Gray, 54, was found dead in his cell in HMP Bullingdon's healthcare unit on 17 March 2019. At the time of his death, David was an inmate at HMP Bullingdon. David was vulnerable. He had a history of severe traumatic brain injury and (perhaps consequential) mental illness. He had a history of serious self-harm and attempted suicide, including attempted suicide by ligature. When David moved to HMP Bullingdon, he was seen on occasions by a specialist brain-injury worker, but this service was withdrawn. Mental health services within the prison then agreed to take David "under their wing", but they never saw him. On 16 and 17 March 2019, David made multiple verbal threats to take his own life; David wrote three notes, threatening to take his own life; and David was said to have a noose in his cell. Prison staff and prison healthcare staff did nothing. David took his own life by hanging on the evening of 17 March. This week, a jury has identified myriad failings by prison staff and healthcare staff in the run-up to David's death. The coroner indicated that he would write to HMP Bullingdon to raise concerns in relation to the management of prisoners with brain injury, and the procedure for handover of information between shifts.

UK Government's Troubles Plan 'Incompatible With International Obligations'

Scottish Legal News: Plans to end all criminal prosecutions linked to the Troubles are "incompatible with the United Kingdom's international obligations", the European commissioner for human rights has said. In a letter to Northern Ireland secretary Brandon Lewis, the Council of Europe's commissioner for human rights, Dunja Mijatović, said the proposals "appear indistinguishable from a broad-based and unconditional amnesty for those not yet convicted. In this regard, I recall that the [European Court of Human Rights] has previously recognised a growing tendency in international law to view the granting of amnesties in respect of grave breaches of human rights as unacceptable," she said. The "shutting down" of prosecutions, police investigations and judicial activity in favour of an information recovery body with "limited investigatory powers" would "fall short of the requirements under the ECHR". I am concerned that this approach is based on a false dichotomy between investigations and prosecutions on the one hand, and truth and reconciliation on the other, as well as on problematic assumptions about how these interact," she added. In addition to being an international legal obligation, fighting impunity through criminal justice is one of the well-established pillars of transitional justice. Virtually every effective transitional justice effort to date has relied on elements of both criminal justice and truth and reconciliation. Conversely, impunity and the absence of justice can be a major impediment to achieving lasting peace and reconciliation." Mr Lewis, in response to Ms Mijatović's letter, said: "The UK government is committed to dealing with legacy issues in a way that supports information recovery and reconciliation, complies with international human rights obligations, and responds to the needs of individual victims and survivors, as well as society as a whole. In publishing our proposals for addressing the legacy of Northern Ireland's past in the command paper of 14 July, we were clear that these were intended not to represent a final position but rather to inform a process of engagement. This engagement – which involves meeting with political representatives, representatives from the victims sector and victims and survivors directly – is ongoing and we are listening to and considering the views we are hearing very carefully as we reflect on the way forward."

Ministry of Justice Worst For Openness/ Honesty

A report by the Institute for Government (IFG) has analysed information that is supposed to be regularly released across Whitehall showing the people ministers, civil servants and special advisers meet, and the gifts and hospitality they receive. Launched in the wake of the Greensill affair, when key meetings between ministers and lobbyists were not registered, researchers discovered that: The Ministry of Justice is by far the least reliable department on ministerial releases, often publishing data late, and failing to publish any information on five occasions. The MoJ is also the least reliable department on special adviser data, failing to publish on six occasions.

Playing Solitaire Whilst Judging

A judge who was caught playing cards during a remote court hearing in a case worth nearly €100,000 has apologised. Madam Justice Jolaine Antonio, a judge of the Alberta Court of Appeal in Canada, admitted in a letter that there was "no excuse for causing litigants and their counsel to feel unheard and disregarded". Energy company Enmax, which launched the proceedings against power company TransAlta, said her recusal was not enough and has called for a fresh trial, the Financial Post reports. According to Enmax's filings, Madam Justice Antonio was caught because the Solitaire game on her computer screen "was reflected on the glass behind [her]". Erica Young, Enmax chief legal officer, said she was able to "zoom in" on the remote court hearing platform and see the judge "actively playing Solitaire, including moving cards around".

England: Complainants Waiting More Than 600 Days For Justice

Figures from the Ministry of Justice show that in the second quarter of this year, the time between a crime occurring and a case being resolved in court was 622 days – up from 368. Jo Sidhu QC, chair of the Criminal Bar Association, said: “No government can be taken seriously about their commitment to tackle violence against women unless and until we see a massive and sustained investment right across the criminal justice system to increase charging rates, which have been alarmingly low for police-reported rape, and ensure those cases that do make it to court don’t have to wait years to be resolved. “Investing in not just courts but the prosecutors and defenders who keep our creaking criminal justice system from collapse, is the only sustainable way to reduce this unacceptable backlog of cases and needless delay to trials, otherwise victims of crime will continue, understandably, to feel forgotten.” Justice Secretary Dominic Raab said: “With new super court rooms, the extension of the Nightingale Courts into 2022 and limit-free sitting days in crown courts, we will restore the swift access to justice that victims deserve.”

Offending Behaviour Courses in Prisons - of No Value Whatsoever

Results of large-scale experimental studies from around the world which compared the reoffending rates of prisoners who participated in courses and those who did not. They found that courses led to a reduction in reoffending which was too small to be significant. They concluded: “We report modest effects, at best, for psychological interventions delivered in prison.”

Findings of the analysis, which the researchers claimed was the first of its kind, were published in August in *Lancet Psychiatry*. Some previous research has found that prisoners who take courses are significantly less likely to reoffend. However, the authors of the *Lancet* paper dismissed most previous studies because they were too small or insufficiently thorough. Out of 6,345 previous studies, only 14 were judged reliable enough to include in the final analysis.

Report on an Unannounced Inspection of HMP Usk and HMP/YOI Prescoed

Charlie Taylor: HM Chief Inspector of Prisons: Usk and Prescoed, as the names suggest, are two distinct prisons, although managed as a single entity. Usk is a small establishment built in a traditional 19th century style which held 220 category C prisoners, almost all of whom were serving sentences for sexual offences. Prescoed is an open prison in a deeply rural setting about three miles away, with a clear focus on the resettlement of the 231 men it held during our inspection. In recent years the Inspectorate has routinely reported very positively on the outcomes experienced by prisoners at the two sites and this remains the case. Making separate healthy prison assessments, we judged outcomes in safety and respect to be good (our highest mark) at both Usk and Prescoed and reasonably good or better at both for purposeful activity and rehabilitation and release planning. These are excellent results made more noteworthy in that they were achieved while the prisons were still emerging from the effects of the pandemic. It should be noted that Usk, in particular, had faced very real challenges and risks in responding to COVID-19, with a generally older and more vulnerable population and the tragic loss of two members of staff and a prisoner. The prison had, in our view, shown remarkable resilience in its response.

Key to the continuing success of the prisons seemed to be the quality of leadership. There was a genuine sense of community within the prisons with an engaged staff and generally good consultation with those held. It was clear from our survey that prisoners felt respected and supported by staff and we observed several examples during our inspection where the well-being of prisoners was at the heart of initiatives and a clear consideration in how the prison was being taken forward. One such example was the formal endorsement of Usk as an Enabling Environment, an accreditation achieved during the pandemic (see paragraphs 1.45 and 3.5). Similarly, we observed some exemplary social care arrangements.

As the pandemic seemed to be easing, both prisons had moved quickly within the HMPPS risk management framework to open up their regimes and we were told that the prisons were among the first to advance to HM Prison and Probation Service (HMPPS) ‘stage 2’, a designation that defines the extent to which regimes could be opened further. In this context, it was pleasing to see that release on temporary licence (ROTL) had continued during restrictions for those Prescoed prisoners who were defined as essential workers, and that by the time of our inspection, some 60% of Prescoed prisoners were now benefiting from various forms of ROTL. More needed to be done to ensure work and education became fully operational but we had confidence in the prisons plans and their long-established record of delivery. Our report notes a small number of issues that require further attention. These include some refurbishment of accommodation at Prescoed and mitigating the impact of some overcrowding in Usk. We have also noted the comparatively high number of prisoners who were returned to closed conditions from Prescoed, possibly linked to the application of a so-called ‘zero tolerance’ policy concerning the application of rules at the site. But these issue aside, it was clear to us that the resilience being shown by Usk and Prescoed leaders, staff and prisoners was ensuring that those held continued to experience meaningful and positive outcomes.

Attica 50th Anniversary the Sound Before the Fury

John Bowden FRFI: Traditionally, the radical left, in Britain especially, have failed to support or recognise the prison struggle as an integral part of the wider class struggle or understand prisons as essentially instruments and weapons of class oppression, which maintain and enforce the power of the capitalist state. This ideological vacuum critically undermines and weakens the ability of the working class to seriously challenge the capitalist apparatus of raw state power. If a single event revealed the revolutionary potential and significance of the prison struggle, it was undoubtedly the Attica Prison Uprising of 9 September 1971 in New York State, when prisoners rose up and declared Attica a liberated zone in the wider class and black liberation struggle then being openly fought in the US. The murderous response of the US state to the Attica rebellion also reflected the clear understanding and recognition by that state of the revolutionary dynamic and significance of the uprising and its potential to ignite wider rebellions beyond Attica’s walls. On 9 September 1971, most of the prison population of Attica rose up and seized control of the prison, taking 42 members of staff hostage. What originally fuelled the uprising was the dehumanising and barbaric treatment suffered by Attica prisoners and the vicious racism of an all-white force of guards; 54% of those incarcerated at Attica were African Americans and 9% were Puerto Rican. During a period of growing prisoner activism in US jails at the time, Attica was used to concentrate and brutalise prisoner trouble-makers.

The spark that ignited the Attica Uprising was the murder by guards of legendary revolutionary prisoner and Black Panther Party member George Jackson at San Quentin State Prison on 21 August 1971. The day after Jackson’s murder, 700 Attica prisoners participated in a hunger strike in his honour. What then began as a rage-fuelled riot was soon transformed into an extremely well-organised political action, as racial divisions and gang conflict amongst prisoners dissolved into a collective brotherhood and unified revolutionary force. Once prisoners had taken over Attica, they organised a list of demands for officials to meet before they would surrender, and elected spokesmen to represent them at negotiations, whilst also appointing medics and security to ensure the safety of hostages. The spirit of the Attica prisoners during the uprising was clearly voiced by 21-year-old Elliot James’ LD’ Barkley, who was just weeks away from release before the uprising and was murdered by state forces during their recapture of the prison: ‘We are men! We are not beasts and we do not intend to be beaten or driven as such. The entire prison populace - that means each and every one of us here - has

set forth to change forever the ruth-less brutalisation and disregard for the lives of the prisoners here and throughout the United States. What has happened here is but the sound before the fury of those who are oppressed.' The courage and solidarity of the prisoners who rose up and took control of Attica for four days trans-formed it from a place of repression and suffering for the most oppressed and marginalised into a place of liberation and freedom. This is why the state responded so murderously to the rebellion. After four days, state governor Nelson Rockefeller ordered in armed police, who while retaking the prison massacred 43 people: 33 prisoners and 10 guards or civilian employees. Some prisoners were murdered while trying to save the lives of hostages.

Subsequent exposure of official information revealed the extent of the state's awareness of the Attica uprising as a political rebellion. During the very first day of the uprising, the FBI sent memos about it to the army, navy and air force, to the CIA, Attorney General, Vice President and the President himself, Richard Nixon. In taped conversations with aides, Nixon justified the Attica massacre: 'You see, it's the black business again. He [Rockefeller] had to do it.' Nixon hoped it would send a message to activists generally, or to those he described as 'the Angela Davis crowd', whilst also having a hell of a salutary effect on future prison riots'. US historian Heather Ann Thompson, author of *Blood in the Water: The Attica Prison Uprising of 1971 and Its legacy* writes: 'At this time there was a great deal of activism inside prisons. The US government was absolutely consumed with this idea of the left and activists taking over the country. The entire apparatus of the government is deeply fearful of and hostile to the civil rights movement. Add prison activism to this and they think the world's coming apart at the seams, and the Nixon Tapes revealed just how deeply worrying Attica was, even to the US President, who said: "The word is around that this [Attica] is the signal for a black uprising."'

What the Attica Prison Uprising represented to the US state was the spectre of a political rebellion amongst the most oppressed and disempowered, prisoners, spreading beyond the prison walls to the communities of the poor and disadvantaged in wider capitalist society. On the 50th anniversary of the Attica Prison Uprising, we as revolutionaries must embrace that spectre and support the prison struggle as a revolutionary and legitimate frontline of the struggle against the capitalist state.

50% Met Officers Guilty Of Sexual Misconduct Kept Their Jobs

Sascha Lavin, *Byline Times*: An investigation by the *Byline Intelligence Team* has found that more than half of the Metropolitan police officers found guilty of sexual misconduct over a four-year period to 2020 remained in their jobs. This included officers involved in misconduct allegations relating to vulnerable victims and witnesses, as well as the abuse of colleagues. Freedom of Information (FOI) requests and publicly available data show that, in 31 misconduct hearings between 2017 and 2020, 41% of police officers who were subject to disciplinary proceedings for sexual misconduct retained their roles following the decision. More than half of Metropolitan police officers found to have committed sexual misconduct also stayed in post: a total of 43 officers out of 83 or 52%.

The findings raise questions about accountability and wider failings in the police in tackling male violence against women and girls, and come after serving Metropolitan police officer Wayne Couzens pleaded guilty to raping and murdering 33-year-old Sarah Everard. Couzens was sacked from the Metropolitan Police in July 2021 – four months after Everard disappeared. In response to Couzens' guilty plea, the Metropolitan Police Commissioner, Dame Cressida Dick, said "on occasion, I have a bad 'un". However, the data suggests that there is more than one 'bad apple' when it comes to sexual misconduct and a lack of accountability in the country's largest police force. Only one police force identified the gender of the officers found guilty of misconduct – making it difficult to measure the extent of sexism in the police. Where a forename or pronoun was used in a police hearing that

was publicly available, all but one perpetrator found guilty of sexual misconduct was a man. The victims were overwhelmingly female. According to the FOI request, 89% of sexual offence allegations in the Metropolitan Police were made against male police officers.

Harriet Wistrich, a lawyer and founder of *The Centre for Women's Justice*, told *Byline Times* that there should be zero tolerance for any sexual misconduct in the police. "There has to be a very robust form of investigation and very, very clear repercussions," she said. "I don't think that anyone who's abused their position in that way should be allowed to remain in the police force." Last week, a new report commissioned by the Home Secretary following Sarah Everard's murder called for a "radical refocus and shift" in police forces' response to tackling violence against women and girls. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services found that there were "structural, strategic and tactical inconsistencies" in how the police handle sexual violence and domestic abuse.

Kate Wilson Wins 10 Year Battle Against "Unlawful and Sexist" Spycops Operation

Kate Wilson, who was spied on by six undercover police officers between 2003 and 2009 - and deceived into an intimate relationship with one of them, Mark Kennedy - has won her legal battle against the Metropolitan Police, with a court finding the force responsible for "a formidable list" of human rights violations during an "unlawful and sexist" operation. "The Investigatory Powers Tribunal on Friday 1st October 2021, handed down its ruling in Kate Wilson's epic ten-year legal battle over the use of undercover police against protest movements. The detailed, ground-breaking, 156-page ruling identified a "formidable list" of breaches of fundamental human rights by the Metropolitan Police without lawful justification in a democratic society."

Sexist Discrimination: The Tribunal looked at evidence relating to the sexual relationships UCO Mark Kennedy had with Ms Wilson and a number of other women, and at the widespread practice of undercover officers (UCOs) deceiving women into intimate relationships, concluding that the police violated her Article 3 right to live free from inhumane and degrading treatment, as well as her Article 8 right to private and family life, and that they were guilty of sexist discrimination in their handling of her human rights. The findings stressed that the police failed to put in place systems, safeguards or protections: training of UCOs in relation to sexual relationships was grossly inadequate, and there was a widespread failure of supervision of Mark Kennedy in his undercover role. The Tribunal ruled that the failure to prevent undercover officers entering into sexual relationships primarily impacted women[iv], to the extent that it amounted to sexist discrimination under Article 14.

"Don't Ask, Don't Tell": The Tribunal noted that the evidence showed a disturbing lack of concern on the part of the police about the impact on women of introducing undercover officers into their lives, and the likelihood that those officers would seek to have sex. The ruling stressed that the sexual relationship Ms Wilson was deceived into by Mark Kennedy was conducted with the knowledge of his principal cover officer, and that his deployment manager[v], and other senior officers of Detective Chief Inspector (DCI) level and above knew (or chose not to know) about the sexual relationship, concluding that the National Public Order Policing Unit's approach to its officers having sex while undercover was one of "don't ask, don't tell".

Unlawful Operations Violated The Right To Protest: The ruling did not stop at the sexual relationships, as the Tribunal found that police took steps to interfere with Ms Wilson's political rights to hold opinions and with her Article 10 and 11 rights to freedom of expression and association; as well as violating her right to a private and family life. The ruling stressed that the police had failed to give any proper consideration or put structures in place to limit collateral intrusion into the private lives of Ms Wilson or anyone else coming into contact with the operations. They described the breadth and

open-ended quality of the authorisations for Mark Kennedy's operation, which were virtually meaningless as any kind of protection, calling the operation a "fishing expedition" against legitimate groups who were exercising political rights enshrined in the European Convention on Human Rights. "Disturbing And Lamentable Failings At The Most Fundamental Levels." The judgment also criticised the Metropolitan Police conduct of the case, stating that many contemporaneous documents "crie[d] out for an explanation", and that there was "no reason that we can see why we were not provided with a statement from a witness with direct knowledge of these matters". The factual evidence provided by the police was deemed "unsatisfactory", and the ruling noted that, were it not for Ms Wilson's tenacity and perseverance, "much of what this case has revealed would not have come to light".

The Ruling Concluded: "This is a formidable list of Convention violations, the severity of which is underscored in particular by the violations of Arts 3 and 14. This is not just a case about a renegade police officer who took advantage of his undercover deployment to indulge his sexual proclivities, serious though this aspect of the case unquestionably is. Our findings that the authorisations under RIPA were fatally flawed and the undercover operation could not be justified as "necessary in a democratic society", as required by the ECHR, reveal disturbing and lamentable failings at the most fundamental levels."

KayWilson Commented "This has been a long and emotional journey, and I am happy to receive this ruling today. The events in my case happened years ago, however the failure of the police to protect women from sexual predators within their own ranks, and police attempts to criminalise protestors are both still very live issues today. The Tribunal has gone some way towards recognising how deep the abuses run. We need to tackle the misogyny and institutional sexism of the police and there needs to be a fundamental rethink of the powers they are given for the policing of demonstrations and the surveillance of those who take part."

Harriet Wistrich, Director of the Centre for Women's Justice who acted as a lawyer for Ms Wilson in the early stages and as a witness in the case commented: "This excoriating judgement could not have come at a more significant moment when we hear the details of the horrendous murder of Sarah Everard by a serving Met police officer who used deceit with the opportunities of his job to entrap her. What is it going to take to transform the culture of policing so that resources are used to protect women from abuse from violence, not to abuse them?"

[Addendum The case was part of a marathon 10 year battle for justice by Ms Wilson and other women, following revelations that they had been deceived into relationships by undercover police. Having exhausted other routes, she took her fight for answers to the Investigatory Powers Tribunal. This is a secretive court set up to examine human rights abuses by state agencies carrying out surveillance. It's rules are quite different from open court and it has the ability to exclude claimants from taking part in proceedings. Despite the restrictions, Ms Wilson was able to secure significant disclosure which throws a rare spotlight on the undercover policing units. The police had already admitted a number of violations including breaches of Articles 3 (degrading and inhumane treatment) and Article 8 (private and family life) and Article 10 (freedom of expression) as a result of being deceived into relationship by undercover police officer Mark Kennedy. However, Ms Wilson's case went further, arguing, among other issues, that 5 other undercover operations had interfered with her rights to privacy, free speech and assembly (Article 8 and Articles 10 and 11 of the European Convention on Human Rights, often combined as 'the right to protest'); and that the systematic use of sexual relationships with women by male undercover officers amounted to sexist discrimination under Article 14. The IPT ruled in her favour on all these points. [iv] By reason of (a) the numbers of women affected and (b) the greater adverse impact on women's lives through either risk of pregnancy or interference with their child-bearing years. [v] Known only as "Detective Chief Inspector O-24" throughout the proceedings.

Jail Terms of 20 + Years 'Quadruple' in England and Wales

Rajeev Syal, Guardian: The number of people sentenced to more than 20 years in prison has quadrupled over the last decade, figures have shown. Given the increase in average tariff lengths handed down by courts, this figure is expected to continue to rise substantially over coming years. The findings come as the Ministry of Justice announces plans to build more prisons to house the growing number of longterm inmates. They also follow a public outcry over the murder of Sarah Everard, whose killer Wayne Couzens has been given a full-life tariff. Figures obtained by the Prison Reform Trust from parliamentary questions and government figures show 10,988 prisoners were serving 10 years or more on 31 December 2020. Growing numbers have also received long determinate sentences of 20 years or more. In 2019, 124 people were sentenced to custody for 20+ years excluding life sentences, up from 31 a decade earlier.

Meanwhile, the rate and number of violent offences resulting in injury have fallen and remain historically low. Between 2009 and 2019 the incidence of violent crimes that resulted in injury, as reported in the Crime Survey for England and Wales, fell 44%, from 22 in every 1,000 adults to 13 in every 1,000. Despite some fluctuation, the number of sexual assaults remains broadly similar to a decade ago. Dr David Maguire, director of the Prison Reform Trust's Building Futures project, said: "Over the last decade sentences for more serious crimes have been getting longer, with many more people spending periods in prison which would have previously been unimaginable. The impact on both prison and probation services is significant and long-term, and meeting the challenges of this change will shape the landscape for years to come."

The Home Office and Ministry of Justice are braced for an increase in prisoners, to 98,700 in 2026, after the targeted recruitment of 20,000 police officers in line with Boris Johnson's election promise. England and Wales already has the third highest prison population across Europe, behind Russia and Turkey, which dwarf it with their combined total of more than 800,000, according to the Council of Europe. The figures came as the backlog of cases in the crown court rose yet again to record levels at 60,692, almost doubling in two years. Cases of rape and sexual offences make up about a 10th of the backlog.

A Ministry of Justice spokesperson said: "This government is making sure violent criminals and sex offenders spend longer in prison to keep people safe and give victims confidence that justice has been served. The 18,000 new prison places we are building will keep these dangerous people off the streets for longer." Last year, the government changed the law so those convicted of serious sexual and violent offences and given a standard determinate sentence of seven years or more would no longer be automatically released at the halfway point but would instead have to serve two-thirds of their sentence in prison. The police, crime, sentencing and courts bill, which is currently before parliament, will end the halfway release of offenders sentenced to four to seven years in prison for serious violent and sexual offences such as rape, manslaughter and GBH with intent. They will also have to spend two-thirds of their time behind bars.

Covid Justice – Cutting Corners Was Not How To Do It?

Transform Justice: A new report from the Justice Committee is pretty trenchant in its criticism of how Covid related criminal offences were designed, enforced and communicated. It suggests that too much criminal legislation was created by the Department of Health, with no real consultation of the Ministry of Justice and the Home Office. Much of the legislation was not scrutinised by parliament and was brought in at breakneck speed, giving police forces insufficient time to understand it. I remember @pkquinton (of the College of Policing) expressing his frustration on twitter, faced with new legislation. He had to read and interpret it for forces, but often only had a few night hours in which to work out what it meant. And the forces had no training in how to enforce it, just had to

read and act. No wonder police got confused between guidance and legislation. The Justice Committee also found that the enforcement and prosecution of Covid offences left a lot to be desired. Many defendants were prosecuted using the single justice procedure. This is cut-price justice, sold as more convenient for defendants. People who are accused of breaking the law – by not paying their TV licence fee, or breaking Covid laws etc – are sent the charge in the post. If they plead guilty, it can be dealt with through filling in a paper or online form. The problem with the system is that no defendant is eligible for legal advice and three quarters of defendants do not participate – they don't plead guilty or not guilty. They may not receive the post, or may not understand its importance. This was the case for Covid offences where 88% of those accused did not respond (March-Sept 2020). All defendants who do not respond are convicted in their absence and receive the maximum fine. Covid offences were particularly complicated legally, since it was not clear what constituted a viable defence. CPS reviews of a sample of prosecutions indicated that many were simply wrongly prosecuted (20% incorrectly charged). So the Committee concluded that though the SJP may have been suitable for the most straightforward of SJP offences, the government should “conduct a review of the use of the single justice procedure in covid-19 cases. The review should consider the relative complexity of different covid-19 cases and whether it was appropriate for more complex cases”.

That review should probably look at all lessons from the conduct of justice during the pandemic, including the extent to which defendant's rights were sacrificed to keep the wheels of justice turning. In some cases suspects and defendants' rights are still being sacrificed. Most suspects interviewed in police custody during the pandemic received legal advice remotely – on the phone or on video – since lawyers were concerned about covid safety in custody. This unprecedented arrangement was agreed behind closed doors and “ratified” by a protocol. Last year we learnt that remote advice was in some cases leading to suspects being let down. We have recently been advised by the expert defence lawyers Joel Bennathan QC and Peta-Louise Bagott what we already suspected – that the protocol had no legal basis, and thus that remote legal advice was not consistent with primary legislation. But a protocol allowing for remote advice in a number of circumstances is still in force. We cut corners in the pandemic and created makeshift arrangements. It was good that the wheels of justice did keep turning, and that we strived to keep workers safe but in some cases did we cut the wrong corners, and in others cut them the wrong way? Now is the time to reflect.

Dramatic Rise in Numbers Spending 10 Years or More in Prison

Prison Reform Trust: The last 20 years has seen a dramatic increase in the number of people serving long prison sentences a new briefing published by the Prison Reform Trust reveals. The briefing has been produced as part of the Prison Reform Trust's Building Futures project, a five-year project funded by the National Lottery Community Fund to explore the experiences of people who will spend 10 or more years in custody.

Sentences for more serious crimes have become longer and far more people will now spend 10 or more years held in prison. Meeting the challenges of this change will shape the prison landscape for the foreseeable future, the briefing says. There are now nearly 11,000 people in prison in England and Wales who will spend 10 years or more held in custody—more than two-thirds (67%) of whom are serving indeterminate sentences and do not know when or if they will be released. In 2019, the latest year for which data are available, 124 people were sentenced to custody for 20 years or more (excluding life sentences) and are likely to spend 10 years or more held in custody—four times the number of just a decade ago. There are now over 3,500 people in prison serving one of these long determinate sentences.

The minimum terms people on life sentences must spend in custody—known as tariffs—before they can be considered for release on licence are rising. The average tariff imposed for mandatory life sentences for murder rose from 12.5 years in 2003 to 20 years in 2020. The overall amount of time spent in custody before a person is granted release has also increased, with people serving mandatory life sentences spending 17 years in custody on average, up from 13 years in 2001. Given the increase in average tariff lengths now handed down by courts, this figure is bound to continue to rise substantially over the coming years.

Unsurprisingly, people serving long prison sentences have been convicted of serious crimes, most commonly violent and/or sexual offences. In the last decade these two categories have accounted for between 47% and 78% of offences for those given determinate sentences of more than 15 years—accounting for 58% of offences in 2019. Drug offences remain another significant contributor, as the third largest category in each year during the last decade.

However, the increase in the number of people receiving these sentences has coincided within a period where both the rate and number of violent offences resulting in injury have fallen, and remain historically low. Between 2009–19 the incidence of violent crimes which resulted in injury, as reported in the Crime Survey England and Wales, fell by 44%, with a rate of 13 offences per 1,000 adults, compared with 22 per 1,000 in 2009.

Similarly, crime survey estimates reveal that—despite some fluctuation—the number of sexual assaults remain broadly similar to a decade ago. Despite a small uptick in the last three years, the number of police recorded drugs offences had also been declining—both for trafficking offences and for “possession (excluding cannabis)”, falling by 4% and 16% respectively. During the same period, public concern about violent crime has fallen, with the proportion of people with “a high level of worry” about violent crime declining from 13% to 8%. A higher proportion of people report feeling “very/fairly safe” walking alone after dark, rising from 73% to 78% overall and from 61% to 69% for women.

Previous research by the National Audit concluded that there is no evidence of a clear link between the use of prison and changes in levels of crime. This is also backed up by other international comparisons, which also show there is no consistent link between the two. Commenting, Dr. David Maguire, director of the Prison Reform Trust's Building Futures project said: “This new briefing shows that over the last decade sentences for more serious crimes have been getting longer, with many more people spending periods in prison which would have previously been unimaginable. The impact on both prison and probation services is significant and long-term, and meeting the challenges of this change will shape the landscape for years to come.”

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 Atwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan