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Rastafarian Woman 'Humiliated' by Police Strip Order

Sima Kotecha, BBC News The case of a Rastafarian woman left naked in a police cell shows officers need greater understanding of minority groups, ex-senior officers have said. Yvonne Farrell said she was "humiliated" after sitting naked in a cell for three hours following her arrest by Hertfordshire Police. She successfully sued for wrongful arrest, receiving an apology and £45,000 in compensation. Hertfordshire Police said it "didn't get everything right on this occasion". Ms Farrell was arrested after she sat on her partner's car in Stevenage when a tow truck arrived to take it away in August 2018. When she refused to give her name at the police station, she was taken to a cell where a CCTV camera monitors the detainee at all times. She was asked to remove her clothing, with a replacement "crop top and hot pants" left in the cell. "I'm a 50-year-old woman and a Rastafarian. Where are they going, giving me those items of clothing? I called them back and I said, 'Listen, this is not suitable clothing. I need something long to cover'," she told the BBC in an interview from her new home in the Caribbean Ms Farrell said officers said they were taking her clothes because she would not tell them who she was. Ms Farrell said the officers should have respected her religion, which states that Rasta women should dress modestly, and given her appropriate clothing. "I could have been a Jewish woman. I could have been a Muslim woman. To me that looked like a teenager's outfit. That just shows they wanted to humiliate me - they did humiliate me," she said.

Challenge Launched to Met's 'Clandestine' and 'Discriminatory' Gang Database

Samantha Dulieu, Justice Gap: A legal challenge against the Metropolitan Police's controversial gang database has been launched. The Matrix database was established in the wake of the 2011 London Riots as a watchlist for suspected gang members and is being challenged by the civil liberties group Liberty. The Met advise that Matrix aims to 'reduce gang-related violence, safeguard those exploited by gangs and prevent young lives being lost.' Liberty, representing non-profit UNJUST and musician Awate Sulieman, who has been waiting since 2019 to find out if he is on the database, argue that it 'discriminates against people of colour and breaches human rights, data protection requirements and public law principles.'

Of those who are on the matrix, 87% are Black, Asian or other minority ethnic. The most recent quarterly report on the matrix reveals of the over 1,900 individuals included in the database, over 1,500 are Black. This is despite just over a quarter of those convicted of offences related to serious youth violence being Black (27%). The current list also includes 80 individuals under the age of 16. Two pieces of 'verifiable evidence' are required in order to add someone's name to the database, though there is no clear guidance or criteria around what is admissible. An Amnesty report found this led to social media posts and music tastes being used as evidence of people's potential for gang violence.

Lana Adamou, a lawyer for Liberty, argues: 'The Gangs Matrix is fuelled heavily by racist stereotypes, based on who people are friends with, who their family members are, where they live, and where they go. Secret databases that risk young Black men being excluded from society based on racist assumptions are not a solution to serious violence, they are part of the problem.' The Metropolitan Police does not inform people if they are on the Matrix, and there

is no mechanism by which a person can appeal against their inclusion, or ask for data held about them to be reviewed. Despite this, inclusion on the database even if you are considered to be 'low risk' can lead to a variety of enforcement actions.

Information about those listed can be blanket-shared with other bodies, including benefits, housing and immigration enforcement, a practice Liberty argues breaches their right to a private and family life. A report by Wired in 2019 found individuals included on the database had been taken into residential care, excluded from school and threatened with eviction. Katrina French, founder of UNJUST UK, said this week: 'The clandestine nature of the Gangs Matrix must be challenged. Everyone has a right to be policed fairly and treated equally before the law. It is hoped that the decade-long wrongs of the Matrix can be remedied in bringing this case.'

Prison Violence: EDM 949

That this House notes with alarm the rapid increase in prison violence over the last decade, with levels of assaults peaking in 2019 before a partial reduction during the covid-19 pandemic lockdowns; further notes that rehabilitation is practically impossible inside violent prisons, meaning that offenders can leave prison more damaged and dangerous than when they arrive; welcomes the new Prisons Strategy White Paper as an opportunity to tackle both prison violence and the causes of prison violence as urgent priorities; believes the White Paper's framework of key performance indicators should include violence against prisoners and staff as crucial metrics for judging management performance; further believes penalties for failing these metrics should include management fines, with this money used to improve prison staff injury compensation schemes; insists that rebuilding staff experience is key to reducing violence, and that improving the pay, terms and conditions of prison staff is a vital first step to solving the current recruitment and retention crisis; calls on the Government to adopt the proposals for safer systems of work in the Safe Inside Charter from the Joint Unions in Prisons Alliance, a coalition of nine national trade unions representing prison workers; and further calls on the Government to accept the pay review body's recommendation of a £3,000 pay rise for entry-level prison officers, to halt plans for new private prisons until it is better understood why they are disproportionately more violent than public prisons, and to bring the pension age of prison officers back down to 60. Grahame Morris MP: Tabled 03 February 2022

'Chaos Reigns': 5,000 Criminal Cases Collapse as Evidence Goes Missing

Jon Robins, Justice Gap: More than five thousand criminal cases collapsed last year because crucial evidence has been lost by the police, according to a BBC investigation. A retired police officer from a force in the north of England told the BBC Radio 4's File on Four programme about the failure of forces to preserve key evidence. 'Exhibits are strewn all over the place, just left,' he told the presenter Michael Cowan. 'It is endemic.' According to data obtained from the Crown Prosecution Service for the program which broadcast earlier this week, 5,806 cases collapsed last year because of evidence going astray including items lost by the police. The officer identified as 'Ryan' had photographs of a desk 'littered with evidence bags, CDs and DVDs piled high' without being labelled and items of clothing 'strewn all over the floor'.

The programme argued that the growing problem was fuelled by the huge growth of digital evidence, budget cuts as well as an increasing cultural problem towards the preservation of evidence. 'You can see a marked deterioration in evidence-gathering, the seizure of exhibits and the securing of exhibits,' Ryan said. 'It's a blasé attitude. In the 1980s when I joined everything had to be done right but as time marched on standards dropped. A lot of exhibits were

going missing.’ The programme featured two cases where it was claimed vital evidence had been lost: ‘Maya’ (not her real name) who alleged that she was raped and whose original police interview was lost; and Andy Malkinson who claims to have been wrongly convicted of rape and whose case has featured on the Justice Gap (here).

Dr Carole McCartney, professor of law at Northumbria University spoke about research she had done with the investigative charity Inside Justice into how evidence goes missing. ‘Police officers very often talk about evidence stores being full up, creaking, and storing evidence in their desks and lockers,’ she said. ‘Very often there is confusion. There is no way officers could attest to a chain of continuity with exhibits being secure at all time. Contamination is a particular issue.’ Almost three-quarters of officers interviewed worked on cases where exhibits had been lost. McCartney added: ‘Over half said that that they did not believe it had an impact on a case. The problem is how do we interrogate what they mean by that.’ She reported that ‘over the course of a couple of years, we are talking of up to 12,000 criminal cases including homicides, rapes and sexual assaults, collapsing and being attributed to problems with evidence either not being produced or not being disclosed.’

Budget cuts were identified as a problem with officers working on 20 investigations at one time. ‘Exhibits are coming in and officers are having to maintain the security and continuity of all those exhibits when there aren’t systems in place,’ McCartney said. ‘You could have a situation where chaos reigns.’ In Maya’s case, the force (not identified) told the programme that it processed 600,000 pieces of evidence every year but claimed that ‘approximately 0.04%’ of items went missing

PRT Warns of ‘Perfect Storm’ Ahead for Prisons

The Prison Reform Trust has warned that the prison system is facing a “perfect storm” of rising prison numbers and a looming staffing crisis which threatens to blow the government’s reform plans off course. Responding to the government’s consultation on its prisons strategy white paper, which closes today, Peter Dawson, Director of the Prison Reform Trust, said: “The government’s white paper on prisons is long on promises and short on the means to deliver them. For the long term, it simply avoids the fundamental challenges on overcrowding and resourcing which have sunk so many similarly ambitious policy statements in the past. But it also offers nothing for the short term, where policies to inflate prison numbers despite a staffing crisis threaten to make prisons unmanageable. “A perfect storm is coming, and ministers must not think they can ride it out by cramming more prisoners into dilapidated prisons regularly condemned by the Chief Inspector of prisons. Too many prisoners and too few staff led to an explosion in deaths, self-harm and violence in the last decade—there can be no excuse for not understanding the consequences of doing the same again.”

The prison population in England and Wales has risen by 70% in the past 30 years—and is projected to rise by 19,000 by 2026 to 98,500. To accommodate the projected increase in prison numbers, driven in large part by its own punitive criminal justice measures, the government has committed to building an additional 20,000 prison places by the mid-2020s. PRT’s response to the white paper says that even if this ambitious target is delivered, the new places are likely only to meet the demands of the increase in the prison population. The same number of prisoners will still be forced to live in prisons where inspectors repeatedly find physical conditions falling well below acceptable standards, and the typical day is spent mostly locked behind a cell door.

The white paper also commits to recruiting up to 5,000 additional prison officers in public and private prisons over the same period; and introducing a retention framework. But at a

time when the labour market is becoming increasingly competitive, there are worrying signs that the prison service is struggling to recruit and retain sufficient numbers of staff. In the year to September 2021, 2,587 prison officers, around one in nine (11%) of those employed, left the prison service. Most officers (52%) who left the service in the last year had stayed in the role for less than three years. Despite this, a recommendation by the independent prison service pay review body to increase prison officers’ pay was recently rejected by the government—the latest in a series of rejections of the body’s recommendations.

PRT’s response to the white paper warns that the government “faces a dramatic fall in the number of people applying to become a prison officer at a time when one in nine prison officers are leaving the profession every year. And it will do so after repeatedly denying prison officers a pay rise recommended by an independent pay review body.” Recalling the similar broken promises of revolutionary change made by Chris Grayling when he was Lord Chancellor, and David Cameron as Prime Minister, the response describes most of the white paper as reading like an “unfunded wish list”. It calls on ministers to publish an analysis of the costs of all of its proposals, and how they are to be met.

Amongst 31 specific recommendations, it also calls for: a timetabled and resourced plan to eliminate overcrowding the immediate publication of the prison service’s race action programme; and the publication of a safety impact assessment for the white paper. The government has said it will respond to the consultation process in April 2022.

Unionised Sex Worker Wins Anonymity In Landmark Case

Danielle Worden, Each Other: A member of United Sex Workers (USW), the union for sex workers, has been granted anonymity in her case against SumUp, a major card-payment machines provider. This is a significant win in a landmark case challenging financial discrimination against sex workers. The claimant, “CC”, is a sex worker whose work is legal. She uses a pseudonym, keeping her legal name and identity private. Only a select group of trusted individuals know of her occupation. In September 2020, CC opened an account with SumUp so she could accept card payments from clients without disclosing her legal name, which is attached to her bank account. This would help her avoid the risks that come with cash payments, such as being underpaid, whilst reducing the risk of being harassed, harmed or “outed” by clients who discovered her true identity. However, the next month, SumUp closed CC’s account because she is a sex worker. It pointed to its “restricted business” list, which includes “escort services.”

CC alleges that SumUp’s policy of withholding services from sex workers is indirect gender discrimination contrary to the Equality Act 2010 (EA). Unfortunately, most banks and financial services providers have policies that discriminate against sex workers. There is no straightforward way for sex workers to legally challenge these policies. The EA prohibits discrimination connected to certain ‘protected characteristics’, but being a sex worker is not a protected characteristic. Because most (although not all) sex workers in the UK identify as women, the strongest argument is that policies that discriminate against sex workers indirectly discriminate against women. In most claims, sex workers will wish for anonymity so they are not ‘outed’ as sex workers. Being outed carries serious risks, ranging from being harmed by clients, through being barred from alternative employment to eviction and losing custody of children. In CC’s case, anonymity was paramount. One of the central reasons she obtained SumUp’s services was to keep her identity private, but the legal starting point is that the names of the parties in a case, the details of the claim and judgements are made public.

Anonymity is allowed in limited circumstances where it is “strictly necessary” to the “administration of justice” and/or to protect the right to private and family life, guaranteed by Article 8

of the Human Rights Act. These considerations are balanced against the need to promote 'open justice' and freedom of expression. In a sex work context, receiving anonymity is far from guaranteed and had never been granted in an EA claim. For instance, in a widely-criticised judgement, a Tribunal recently refused anonymity to a stripper seeking to sue a club for allegedly violating her labour rights. The claim was issued in April 2021 and five months later the court awarded CC anonymity. It acknowledged that refusing anonymity would threaten CC's Article 8 rights, exposing her to a risk of harm. It also highlighted that justice would be undermined, as the whole reason CC brought the claim was to use services aimed at keeping her identity private. Now CC has anonymity, the court will decide whether SumUp's policy violates the EA – unless the matter is resolved outside of court. SumUp claims its policy is legally justified by a "real business need".

Financial discrimination against sex workers has reached mainstream news over the past year, partially due to OnlyFans' temporary announcement that it would prohibit sex workers from using the platform due to pressure from banks. USW members report issues with banks and platforms, including PayPal, Square, Monzo, Santander, Revolut, HSBC and NatWest. For example, Charlotte Edwards, a USW member, is currently engaged in an EA challenge against Santander who initially refused to provide her a loan because she is a sex worker. In the United States, sex workers report accounts being closed suddenly by Venmo, Bank of America, American Express, JP Morgan and even GoFundMe. Card issuers Visa and Mastercard place serious pressure on banks to refuse services to sex workers.

Chris Mullin Facing Fight With Police to Protect Birmingham Pub Bombings Sources

Dominic Ponsford, Press Gazette: Mullin investigated the bombings for a book and series of documentaries in the 1980s which helped secure the release of six men, wrongly convicted for the attacks, in 1991. With the support of the National Union of Journalists Mullin will be contesting the application on the grounds that to disclose the material requested would be a fundamental breach of the principle that journalists are entitled to protect their sources. He said: "If West Midlands Police had carried out a proper investigation after the bombings, instead of framing the first half-dozen people unlucky enough to fall into their hands, they might have caught the real perpetrators in the first place. "It is beyond irony. They appear to have gone for the guy who blew the whistle." NUJ general secretary Michelle Stanistreet said: "The principle of protecting your source and keeping your word when confidentiality is pledged is a vital one for all journalists and lies at the heart of the NUJ's Code of Conduct. The case brought by West Midlands Police risks compromising that core principle and undermining press freedom which is why the NUJ stands four-square behind Chris and is backing this case." A hearing contesting the application, made under the Terrorism Act 2000, will take place at London's central criminal court on 24/25 February.

A spokesperson for West Midlands Police said: "West Midlands Police remains committed to bringing to justice those responsible for the 1974 Birmingham Pub bombings atrocity and continues to pursue all active lines of enquiry. "We can confirm that we have commenced proceedings for a production order application against Mr Christopher Mullin in respect of documents he may possess which could assist in this investigation. It would not be appropriate to comment further at this stage." Jack Straw was Home Secretary when the Terrorism Act 2000 came into force. Writing in The Times he said: "The powers in the act (a continuation of ones 25 years old) on which the police now rely were there principally to prevent a terrorist using journalistic cover to evade the act's requirements. Lord Falconer of Thoroton, for the government, told parliament

(on June 20, 2000) that it was not 'the intention of the government that anything in this bill should change the current balance between the freedom of expression that the British media enjoy and the responsibility to assist in combating terrorism'. These powers were never intended to catch a bona fide journalist. Lastly, why should we waste public money on this application? I have known Mr Mullin for 40 years. Wild horses, thumb screws and a lengthy spell in jail would not make him break a confidence."

Record Levels of Self-Harm Found at Derbyshire Women's Prison

Rajeev Syal, Guardian: Inmates held in a women's prison are making 1,000 calls a month to Samaritans amid record levels of self-harm, increased violence and low safety levels usually only seen in men's facilities, a damning report has found. Nearly a third of women held at Foston Hall in Derbyshire, which holds 272 residents, told inspectors they felt unsafe, while the use of force in the prison has doubled over nearly three years and is the highest on the women's prison's estate. The women's prison and youth offender institute is the first to be given a score of "poor" – the lowest – for the safety of female prisoners, since HM Inspectorate of Prisons developed its current framework more than a decade ago. The findings, in an official report by HM Inspectorate of Prisons, have prompted calls for the government to abandon plans to build more women's prison places. Nearly three-quarters of female prisoners have committed non-violent offences.

The Ministry of Justice (MoJ) disclosed last year it would be building 500 new prison places for women, as the planned recruitment of an extra 20,000 police officers is expected to cause a rise in the female prison population. Inspections of the prison took place in October and November and it became apparent that the prison has struggled with the Covid pandemic Charlie Taylor, HM chief inspector of prisons, said the rating of "poor" for safety levels was a "rare and unexpected finding" in a women's prison. "Neither the prison's assessment of vulnerability, nor the support offered to newly arrived women were good enough. The unpredictability of the regime was contributing to tensions on the wings and, we suspected, increased violence, particularly against staff. "Violence was now very high. The use of force had doubled since the last inspection and was the highest in the women's estate. There was now far more frequent use of the poor segregation unit," he said. Recorded levels of self-harm were also the highest in the women's estate and two prisoners had taken their own lives since the last official inspection in February 2019, he said. "As an indicator of the level of distress, women were making 1,000 calls a month to Samaritans. The prison had no strategy to reduce self-harm or improve the care for those in crisis," Taylor said. The response to women in crisis was too reactive, uncaring and often punitive, Taylor observed. "This, taken with other safety metrics and observation, meant it was no surprise that in our survey nearly a third of women told us they felt unsafe," he said. The report also found that the majority of women who harmed themselves did not have enough support or activity and faced daily frustration in getting the help they needed. "Messages left on the prison's crisis hotline had not been checked for six weeks," the report found.

The conclusions have prompted condemnation from prison campaigners. Deborah Coles, the director of Inquest, said: "Foston Hall prison is a dangerous and harmful place for women. Horrendous rates of self-harm, exacerbated by the impact of Covid and restricted regimes, punitive treatment and segregation for women in crisis. This is inhumane and unjust." Emily Evison, women's policy officer at the Prison Reform Trust, said: "Women's prisons are expected to solve problems which are made worse by women being in custody. Nearly three-quarters (72%) of women entering prison to serve a sentence have committed a non-violent offence. Many women who offend suffer from drug and alcohol addictions and mental ill health. "Building more women's prison places, as the government has committed to doing, is an irrational response."

The report was accompanied by a paper identifying key findings in the inspection of five women's prisons – Low Newton, Styal, Send, Downview and Foston Hall – in the last six months. Inspectors raised serious concerns about high rates of self-harm and vulnerability across the women's prison estate, which accounts for only about 4% of prisoners in England and Wales. Self-harm is much more common for women in prison than men and has increased during the Covid-19 pandemic to record levels. Fifty-two per cent of women said they had children under 18 years old. The MoJ said it had set up a new safety taskforce at Foston Hall to assess monthly progress and drive forward improvements. The senior management team has also been boosted with additional capacity to provide oversight. Victoria Atkins, the prisons minister, said the issues highlighted by the inspection were not acceptable. "Across the wider women's prison estate, our staff have worked hard to ensure women receive extra support to deal with mental health issues during the pandemic, overseen by a taskforce at national level, and we are starting to see a decrease in the number of self-harm incidents across the estate," she said.

Emily Evison, women's policy officer at the Prison Reform Trust, said: "Women's prisons are expected to solve problems which are made worse by women being in custody. Nearly three-quarters (72%) of women entering prison to serve a sentence have committed a non-violent offence. Many women who offend suffer from drug and alcohol addictions and mental ill health. A large number of women in prison are victims of far more serious crimes than those for which they have been convicted. The answers to women's offending lie in proper treatment and support in the community and sustained investment in non-custodial alternatives. Building more women's prison places, as the government has committed to doing, is an irrational response."

Canadian MoJ Watchdog Warned to Avoid Problems That Have Beset UK CCRC

Jon Robins, Justice Gap: A report into establishing a new miscarriage of justice watchdog in Canada has highlighted 'serious concerns' over inadequate funding and political interference of the Criminal Cases Review Commission. The government of Canada has committed to create 'an independent commission at arm's-length from the government' drawing on the model of similar bodies in Scotland, Norway, New Zealand and North Carolina as well as our own CCRC which was the first independent miscarriage watchdog in the world. However the new report by a former justice of the Ontario Court of Appeal, Harry LaForme and Juanita Westmoreland-Traoré, a former judge of the Court of Québec, identifies 'serious complaints' directed at the CCRC and flags up the 'absence' of other criminal justice reforms recommended by the 1993 Royal commission that led to the creation of the watchdog body notably 'expanded powers to overturn convictions or admit fresh evidence'. The reports' authors rejected the 'real possibility' statutory test which limits our CCRC's power referral to only those cases that it believes that the Court of Appeal would overturn. 'We have been persuaded by all of the experienced English lawyers we consulted that it would be a huge step backward should the new commission's test or practice for referrals be based on a predictive judgment about whether the Court of Appeal will overturn a conviction,' they said. 'It was important for us to examine the adequacy of existing appeal grounds because of the concerns that the effectiveness of the English Commission has been impaired by its Court of Appeal taking a restrictive approach to appeals,' the authors noted.

One of the drivers for change in Canada is concerns over the massive over-representation of Indigenous and Black people among the wrongfully convicted. The report quotes the Ontario Court of Appeal saying that the existence of anti-Black racism in Canadian society is 'beyond reasonable dispute and is properly

the subject matter of judicial notice'. Since 2002, the Canadian Minister of Justice had referred just 20 cases back to the courts and only one concerned someone who was indigenous and another black. 'This does not begin to reflect the overrepresentation of Indigenous and Black people in our prisons,' the report noted. It quotes 2019-2020 analysis from the Office of the Correctional Investigator that indigenous over-representation in federal custody had reached 'a new historic high' at around 30% of Canada's prison population despite indigenous people make up only around 5% of the population.

'It is impossible to know how many undiscovered, and thus uncorrected, miscarriages of justice exist,' noted LaForme and Juanita Westmoreland-Traoré. 'But we are confident that there are many and that Indigenous, Black and other disadvantaged groups are overrepresented among the wrongfully convicted and other victims of miscarriages of justice.' The new report into a Canadian watchdog heard from 17 exonerees who had suffered miscarriages of justice as well as conducting 45 roundtables involving 215 people and as well as speaking to representatives from five CCRC-style bodies.

'Our concerns about true independence and adequate funding were increased as we researched and heard about the struggles of the first such independent commission (i.e., the CCRC),' the report states. LaForme and Juanita Westmoreland-Traoré flagged up last year's report of the Westminster commission, set up as part of the All-Party Parliamentary Group on Miscarriages of Justice. 'We heard many concerns that the commission may be vulnerable to under-funding. This could be because of future across the board governmental austerity measures and/or cuts that reflect a lack of political support for the commission or simply a lack of understanding of the importance of its role.' They noted a 30% funding cut between 2009/2010 and 2014/2015 at a time of increasing applications and increasing backlogs. The report quoted the chair of the commission told the committee that for every £10 his predecessor had to spend on an application, he had £4 and that the commission had suffered 'the biggest cut that has taken place anywhere in the criminal justice system'.

The Canadian report said: 'Due to underfunding, case review managers who had a caseload of 12.5 cases in 2010/2011 had in 2017 a caseload of 27 cases. Moreover, their salaries were no longer competitive.' It also highlighted concerns over the undermining of the role of the commissioner at the CCRC and that there had been '30% cuts to the number of days worked by the English commissioners and a reduction from 8.8 full time equivalents in 2014 to 2.5 full time equivalents in 2019'. 'There has also been controversy and litigation over the government's refusal to reappoint a commissioner who had been critical of the government's cost saving and efficiency related measures,' it said. It quoted Professor Carolyn Hoyle of Oxford University stating that the CCRC was 'massively under-resourced' and 'decisions about how thoroughly, or how to investigate a case are made with a mind to budget'. The authors of the report noted that problems of underfunding were not limited to the English commission. A representative of the Scottish Commission noted that £930,000 of its £1.05 million budget is spent on salaries and accommodation so that 'doesn't leave much for an investigative budget, a budget for legal actions and the like'.

371 People Died in Prison Custody in 2021- 86 Prisoners Took Their Own Lives

For a man currently under investigation by the police, Boris Johnson has quite the interest in law and order. Throughout his premiership, the government has used the rhetoric of being "tough on crime" as a pillar of its populist appeal, epitomised by the home secretary, Priti Patel, turning up to a photo-op last year in a personalised police vest. This would be nauseating at the best of times, but when combined with their attempts to curb protest, it has deeply worrying authoritarian undertones. This stance also means the government has little interest in the nuts and bolts of running a humane prison system – which has led to the borderline neglect of the men, women and chil-

dren who are currently incarcerated. This has been painfully brought to the fore by new figures from the Ministry of Justice which show that the number of people dying behind bars in England and Wales has reached its highest level since current recording practices began. Some 371 people died in prison custody in 2021 – the equivalent of more than one a day. Many of these deaths were coronavirus-related. Tragically, 86 took their own lives, up from 67 the previous year. We may no longer have the death penalty in this country, but people in prison are still dying under the state's watch.

The prison system has long failed to support those with mental health problems – research in 2019 found that male prisoners are 3.7 times more likely to kill themselves than the wider public – but the pandemic has all too predictably made this worse. Strict coronavirus restrictions in prisons have left tens of thousands of people locked in their cells for 23 hours a day for months on end. Ministers were warned that prisons would become “dangerous Covid-19 hotspots”, and that suicides may increase, but failed to maximise an early release scheme that would have protected as many prisoners as possible. Those left behind have suffered further damage to their mental and physical health. Ministry of Justice data in October last year showed that self-harm rose by 47% among female prisoners in the three months to June 2021, and by a fifth for young people over the course of a year. The death of a baby after a pregnant teenager was left to give birth alone in her cell shows just how brutal conditions in our prisons have become.

Prison reform has long been one of those political hot potatoes that few politicians are willing to tackle sensibly, all too aware that they will be accused of being “soft on crime” or “not on the side of victims”. The government's recent white paper on prisons is evidence of this, boasting that the government will provide 20,000 more prison places to “protect the public”. Consider that the UK already has the third largest prison population in the Council of Europe after Russia and Turkey. Those who are uncomfortable with talk of reducing prison numbers often raise fears that it would let “dangerous criminals off the hook”. But the truth is, flaws in the justice system mean that's exactly what the current system does. New data shows only 1.3% of rape cases are now going to court despite the number of recorded rapes hitting a record high. The idea that the Tories are the party to be trusted on crime was further discredited last week when the Home Office was caught making misleading claims about the latest crime figures. Instead of reflecting a system working well, incarceration is disproportionately inflicted on people who grew up in poverty, as well as those with mental health conditions and from an ethnic minority; the Prison Reform Trust estimates that the over-representation of black, Asian and minority ethnic people jailed in this country is estimated to fill a dozen extra prisons.

What we really need is reform of the entire prison system, starting with an increase in funding for healthcare and palliative support. Not only is it the right thing to do, it will also save taxpayers' money in the long run by improving prisoners' health and helping to nurture future rehabilitated citizens. Similarly, we know that investment in rehabilitation keeps the public safer: the “unmitigated disaster” of the Conservative privatisation of probation services led the number of rapes, murders and other serious crimes committed by offenders on parole to rise by more than 50% in just four years. Investing in preventive measures will also keep people out of the criminal justice system in the first place. Prisons are too often used as a solution to social problems; a civilised – and smart – society would spend its resources on tackling poverty rather than building more cells.

Alongside prevention strategies, we should radically reduce the size of the prison population – by reducing the imprisonment of non-violent offenders, and focusing on community-based options instead. This is particularly sensible for women, the majority of whom are jailed for non-violent crimes. Imprisoning mothers serving sentences for non-violent offences should end and com-

munity women's centres used instead. Research shows that separating children from their mothers – often for a minor crime and short sentence – puts them at risk of school exclusion, suicide attempts and exploitation. Pregnant women especially have no place in our prisons. The consequences of carrying on as we are clear: experts warn that the government's plan to expand female prison places could mean that more babies die. As a former public prosecutor, Keir Starmer is in a better position than most to challenge the government to adopt an evidence-based approach to prisons without Johnson being able to accuse him of being “soft” on crime. Justice for victims does not mean the abuse of prisoners, just as law and order cannot be achieved by creating more chaotic lives. Running a nation's prison system requires more than playing dress-up in a personalised jacket. Perhaps we might begin by remembering that prisoners are still human beings.

Call to Stop Jailing Pregnant Women in UK After Baby Dies in Prison Toilet

Hannah Summers, Observer: Vulnerable pregnant women are being imprisoned for non-violent offences, in some cases within just a few weeks of their babies' due date, according to new research set to be published on Monday. It comes as a woman whose baby was stillborn in a prison toilet told the Observer that she will bring a lawsuit for breaches of human rights and discrimination because she did not receive the same standard of care as she could have expected in the community. Academics who examined the experiences of 22 women who were pregnant while serving time in English prisons have called for alternatives to custodial sentences to avoid putting expectant mothers and unborn babies at risk. The women were sentenced for offences including robbery, drug offences, burglary, fraud and shoplifting. All but two of the offences were non-violent. Six of the women were sent to prison at 28 weeks pregnant or later and three were 36 weeks pregnant. The lead author, Rona Epstein of Coventry University, said the imprisonment of pregnant women was “unnecessary” and called for the use of community orders or suspended sentences instead. “The women we surveyed arrived in prison with a variety of complex needs stemming from poverty, homelessness, domestic violence and substance misuse,” she said. “The prison environment only adds another layer of trauma for these women and can be dangerous for the unborn child.”

Naomi Delap, director of the charity Birth Companions, said: “This vital research shows, despite repeated assurances, prison should only be used as a last resort, pregnant women are being incarcerated for non-violent offences, sometimes very close to their babies' due dates. “Many sentences are short enough to warrant a community sentence but long enough to destroy a woman's life and expose her and her unborn baby to the risks of the prison system.” About 600 pregnant women enter UK prisons each year and about 50 are in prison at any one time. The authors of *Why are Pregnant Women in Prison?* began their study following the death of a baby at HMP Bronzefield in Ashford, Middlesex, in 2019. Their findings come days after a report into a second baby death at HMP Styal in Cheshire.

Louise Powell, who did not know she was pregnant, spent several hours in labour “begging” for help on 18 June 2020. But a prison nurse failed to visit her despite three emergency calls, including one from a guard saying she “looked six months pregnant”. Her baby girl was unresponsive after a breech birth in a prison toilet. The prisons and probation ombudsman (PPO) Sue McAllister found there were missed opportunities to establish she needed urgent clinical attention. A nurse has been referred to the Nursing and Midwifery Council. Speaking for the first time following the report, Powell told the Observer: “There were missed opportunities from prison staff... not thinking it was an emergency when I was begging for help. The health block was a 15-second walk away – they could have taken me there.” Her lawyer, Jane Ryan of Bhatt Murphy Solicitors, said expert evidence suggested the baby, named Brooke, could have survived had the response been different. Ryan, who is supporting Powell in bringing a discrimination case, explained: “Prisoners

are entitled to the same standard of care as they would expect in the community. Powell, who had been in prison for the first time after admitting common assault, harassment and criminal damage, said: "If I hadn't been in prison, I would have dialled 999 because I knew it was a pain I hadn't felt before. I felt like I was dying. I would have got to hospital when the pain first started. "My opinion is, having seen the expert evidence, that my baby could have survived and been alive today if I'd got to hospital sooner. I had felt her kicking earlier in the day." She added: "I need accountability and I need to get justice for my daughter."

Data collected by the Observer found that jailed women in the UK are five times more likely to have a stillbirth as those living in the community. While the death of a baby in prison is rare, the Coventry University research echoes concerns raised by reports into the tragedies at Bronzefield and Styal, including delays in responding to women in labour or pain. One woman, Jodie, who was in prison for the first time on drug offences, wrote: "I was ignored and not believed that I was in labour. I was not responded to when I rang my cell bell... I was left from Saturday night to Monday morning in labour alone in my cell. The whole experience was traumatising." Another woman, Ursula, said she constantly worried about her safety and was not listened to when she felt something was wrong.

Maria Garcia de Frutos, a lecturer in midwifery at City, University of London and co-author of the report, said: "Structural failures and lack of timely access to care and specialist services are some of the inequalities reflected in our research." The authors said it was "very concerning" that a woman who had experienced a possible placental abruption at 30 weeks and had a premature birth missed some midwifery appointments due to staff shortages at the prison. Her baby went on to spend nine weeks on a neonatal intensive care unit. Delap said: "These findings contribute to evidence that there are near misses and serious incidents happening behind locked doors but, because they don't result in the death of a baby, the public don't hear about them. There is a hidden healthcare crisis among pregnant prisoners which is not properly scrutinised."

The government has plans to build 500 new prison cells for women. But the chief executive of the charity Women in Prison, Kate Paradine, said: "There is another way – when women are supported in the community, they have better access to care and can tackle the issues that sweep them into crime in the first place, like trauma, domestic abuse and poverty." Eleven countries, including Russia, Brazil, Mexico and Colombia, already have laws to prevent pregnant women from going to prison. A Ministry of Justice spokesperson said: "While custody should remain the last resort for most women, we have made significant improvements to support female offenders, including pregnant women. Our new prison places will give them greater access to education, healthcare and employment and we are introducing specialist mother and baby liaison officers across the estate. "We extend our deepest sympathies to Ms Powell and are also looking at how we can better screen for pregnancy in jails so no woman falls through the cracks." The government is working with NHS England to provide guidance for prison staff on how to respond in the event of an unexpected birth.

Ormeau Road Attack: Police 'Collusive Behaviour' in Murders

Julian O'Neill, BBC News NI: The Police Ombudsman has found "collusive behaviour" by police in 11 loyalist murders, including the 1992 attack at the Sean Graham betting shop. A report by Marie Anderson also identified "significant" investigative and intelligence failures. She said it was "totally unacceptable" that police used informants within the Ulster Defence Association (UDA) who were engaged in crimes such as murder. Police apologised for the "failings identified". Ms Anderson's 344-page report covers multiple attacks, mostly in the early 1990s. The worst was at a Sean Graham betting shop on the Ormeau Road in south Belfast in February 1992, when two UDA gunmen shot five Catholics dead and wounded seven

others. The report found no evidence that any of the shootings was preventable.

A statement from Relatives for Justice and KRW Law said the families of victims felt vindicated by the report's findings. It added: "The report finds that 11 murdered citizens and their families were systemically failed by the British state in life and in death. It is a damning report that is undiluted evidence of the policy of collusion as it was practiced in south Belfast, and across the north." An escalation of loyalist violence in the early 1990s led the Royal Ulster Constabulary (RUC) - the police force of Northern Ireland at the time - to expand its network of informants within the south Belfast UDA. But some of them "were actively participating in serious criminality, including murder". "This was totally unacceptable and an illustration of how, on occasion, the interests of obtaining information from informants was given precedence over protection of the public from paramilitary crime and murder," Ms Anderson said.

(Full picture yet to emerge. This report joins a pile of others, which are exposing what is now commonly termed collusion. Collectively they present a challenge to the original findings on the subject by Sir John (now Lord) Stevens in 1990, that collusion was neither widespread nor institutionalised. It has, increasingly, become a debate around scale and direction. It involved not just RUC special branch and military intelligence, but also MI5. The full picture has yet to emerge and when it does, if it does, it will not just cover the security forces and loyalists. The story of Stakeknife, a high-placed army agent within the Provisional IRA, has still to be told. Or will a veil be drawn over it all by the government's legacy plan, ending discovery of information through civil actions and ombudsman reports?)

Regulator Warns of MoJ's as a Result of Poor Quality CCTV Facial Comparisons

The former forensic regulator has questioned the quality of supposedly expert evidence about CCTV facial comparisons relied upon in court and warned there was a risk of miscarriages of justice. 'When it comes to the Interpretation of CCTV images it is difficult for us to have the assurance that it is done properly across the board because as far as I am aware none of the organisations or carrying out the interpretation of the images has achieved the quality standards set by the forensics science regulator,' Professor Gillian Tully told Channel Four News. In Prof Tully's final report as regulator last year, she described her six years' tenure as 'fraught with financial, reputational and capacity problems'. The report by Symeon Brown highlighted concerns over the misinterpretation of facial comparison evidence by experts. Tully said that she did not have confidence in the science around comparisons from CCTV footage which she said always had an element of subjectivity.

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