

**MOJUK: Newsletter 'Inside Out' No 925 (16/11/2022) - Cost £1**

**Will I Ever Get Out of Here - It Won't be for the Want of Trying**

I wish to inform you all, that I have recently gone through the processes for Cat A and Parole Board. Cat A was maintained based on the vast amount of false information within the prison, criminal records, etc. I also received a negative response from the Parole Board, in which they claimed that neither my solicitor nor I had submitted representations! Therefore, I enquired via my Offender Manager, who came back saying that; My 34 pages of representations were sent to the Parole Board in ample time. I then submitted a 'Reconsideration Application', where I went to town on them. I pointed out that this scenario happened the same on the last Parole process. A complaint would have affected, but not this time! I let it slide back then because of the delay.

I copied everything that was submitted previously. Pointed out the 'Mistake of Facts' and false evidence in all records, which was responsible for invalid assessments and opinions from every level! They have capitulated in the face of the overwhelming evidence I have supplied. Everything written, assessed, reports, and/or opinions have been scrapped! The Parole Dossier has to be rewritten, taking into account any challenge I make with evidence I can supply. A Judge will chair the proposed Oral Hearing in Public! I threatened to use every conceivable avenue of persuasion, pointed out that anyone employed by the MOJ is designated as a 'Prison Officer' even civilian employees, and that I am well aware of the two Prison Rules, which are catch-all rules that prisoners have and can use against the staff of whatever - description, namely:

Rule 47(2). No Officer shall act in a manner calculated to provoke a prisoner. (I decide if and when I have been provoked!). Rule 68. (incorporating Rule 1(v) of the Prison Officers Code of Conduct.) No Officer shall act in a manner calculated to provoke a prisoner. (I decide if and when I have been provoked!). The Secretary of State may approve a code of discipline to have effect concerning officers, or such classes of officers as it may specify, setting out the offences against discipline, the awards which may be made in respect of them, and the procedure for dealing with charges. (incorporating Rule 1(v) of the Prison Officers Code of Conduct.) Rule 1(v) of the Code of Conduct for Prison Officers states: "It is a disciplinary offence for any officer knowingly to make any false or misleading, or inaccurate statement, either orally, or in any official document or book."

I proposed to use these rules as a precursor to even harsher action, E.G., Legal action, on anyone who reiterates the false information I am challenging, and which is agreed to be false information relied upon! The system has all the information I am relying on from their records. Despite this, they have refused to acknowledge my challenges previously. I will keep you informed of the results, but I am going for instant release on any terms before the criminal appeal based on the same evidence I can and will supply!

Anthony Entwistle A5364AC HMP Full Sutton Stamford Bridge YO41 1PS

**Eric Allison, Guardian's Prison Correspondent, Dies at 79**

*Helen Pidd, Guardian:* Eric, became the Guardian's prison correspondent aged 60 after spending much of his life in jail, has died. He had been recently diagnosed with secondary bone cancer and was 79. Allison, who claimed to be the only man to ever escape from Strangeways prison in Manchester, joined the Guardian in 2003 after serving multiple jail

terms for fraud, theft and burglary. He got the job after answering an advert in the paper, which said a criminal record was no bar to application. He impressed the then-editor, Alan Rusbridger, with his passion for fighting injustice and his stylish way with words. At his interview he promised that he would go straight if given the job – a vow he kept throughout his 19-year Guardian tenure, despite frequent grumblings that his first job was much better paid.

In what he called his second career, Allison wrote widely across the Guardian, exposing cruelty in the prison system and particularly in young offenders' institutions. He formed a long working partnership and firm friendship with feature writer Simon Hattenstone, a fellow Mancunian (though a Manchester City fan, when Allison was always United). Earlier this year the two investigated the number of prisoners dying on remand, and in 2016 they exposed how the government had approved brutal restraint techniques which could kill children in jail. Their work on the abuse of children in Medway secure training centre contributed to the security giant G4S being stripped of its contract to run the children's prison. In 2011 the pair's investigation into sexual abuse at Medomsley detention centre led to Operation Seabrook, one of the largest single abuse inquiries in the UK, with more than 1,600 former inmates coming forward to report allegations of abuse. Allison and Hattenstone won an Amnesty media award for their work on the story.

Much loved in the Guardian's Manchester office, where he was based throughout his journalistic career, Allison enjoyed reminiscing about the old days when not raging against the system. He was particularly proud of escaping from Strangeways – now HMP Manchester – using a forged bail warrant. No one else had ever managed such a feat, he always claimed. He was out of jail when the Strangeways riots took place in 1990 but egged on the prisoners from the street using a megaphone. He went on to co-author a book on the protest, which gave him the confidence to believe that he may one day get paid for writing.

His first conviction came when he was a heavy-smoking 11-year-old, though he insisted that was merely the first time the police caught him. By 14, he was in jail, serving four months for stealing a chewing gum machine. He learned early that prison in England doesn't work – a fact that nagged at him throughout his life as he used his journalism to fight for a system that doesn't just punish but also rehabilitates. The youth detention centre he went to had no improving effect on him, he recalled in an interview to mark the start of his Guardian job in 2003: "It was supposed to be a short sharp shock. Never worked. All it did was make you fitter. Virtually everybody I saw in that detention centre in '57 I've seen on my travels through the system. Every single one."

Allison arrived at the Guardian unable to use a computer, having bypassed the technological advances of the 90s because he was serving his longest stretch – seven years – for breaking into a bank in Manchester and stealing cheques worth a million pounds. That final job also involved the forgery of Giro cheques. He would say that the counterfeits were so convincing that the government was forced to withdraw the real ones from circulation, because post office staff could not tell the difference between "ours" and "theirs". He had an atlas-like memory of England's geography, and would often claim to have visited every village big enough for two post offices (it only made them worth a visit if he could commit cheque fraud in at least two). He adored walking in the Peak District and was sappy about his dogs – latterly two Romanian street mutts, Nellie, named after his mum, and Prince. He came from what he always called a "very straight family". His father, after leaving the army, was a jack of all trades and his mother brought Allison and his three older brothers up in their home in Gorton, east Manchester.

Released from prison for the final time a few days before the new millennium dawned, Allison initially thought of his freedom as a sabbatical from crime. But as his writing career progressed he felt

duty bound to stay on the right side of the law. Occasionally old pals would try to tempt him back to his old ways but he was determined to live a life without crime. Rusbridger said he decided the Guardian needed a prison correspondent because so little was known about what goes on behind the jail walls. "It was a wild idea to hire an ex-con to be the Guardian's prison correspondent but Eric was the perfect choice. He had immaculate credentials (16 years inside a variety of institutions) and a long track record of causing trouble. He promised to go straight if he got the Guardian role – though he complained that journalism paid poorly compared with crime (with more stress). Over the years he campaigned, reported, advocated and investigated on behalf of the underdogs he knew so well. He cast a steady light on a world successive governments would rather were kept in the dark. Prisoners knew they had a reliable witness on their case. My suspicion is that Eric was probably not a world-class bank robber. But he was a class act as a late-life journalist and it's so sad that his unflinching concentration on an under-reported world has been lost."

Allison became a well-respected authority on prisons and a passionate campaigner against miscarriages of justice. He believed fervently in the innocence of those whose cases he took up, including that of Jeremy Bamber, who is serving a life sentence for killing his adoptive parents, sister and her twin boys in 1985. Hattenstone said of him: "Despite a lifetime of criminal activity, maybe because of it, he was the most moral man I knew. When he saw a miscarriage of justice, nobody fought like Eric to have it overturned. His work became his life. He would spend months and sometimes years working on cases that never saw the light of day in print – usually because they were legally too tricky, occasionally because editors didn't share our faith. There were times in recent years when he became so obsessed with the Jeremy Bamber case that he could talk of little else. Eric was somebody you wanted on your side, as a friend, colleague or a victim of a miscarriage of justice."

After leaving jail Allison managed to rent a council house in Gorton, where the Channel 4 show *Shameless* was soon to be filmed. In a piece for the Guardian in 2005 he wrote of his love of the much-maligned area. Despite describing it as a "dump" whose inhabitants racked up more asbos than anywhere else in Manchester, he launched a passionate defence of his neighbours. Always fighting for the underdog, Allison wrote: "Perhaps perversely, the place keeps me healthily angry about injustice and the way society demonises young people in deprived areas. There is also little danger, I fancy, of feeling above my station in Gorton."

Eric, will be sadly missed by MOJUK, he was heavily involved with MOJUK, writing articles for 'Inside Out' and kept in contact with those prisoners, he shared cells with, long after he was released. Commenting on his new career as a journalist, Eric said, "*In prison I used to get put in segregation for saying my piece and yet here I am giving my comments and my thoughts – and getting paid for it*".

#### **Liridon Saliuka: Significant/Multiple Failings at HMP Belmarsh Contributed to Death**

On Thursday 3rd November 2022 an inquest concluded into the death of Liridon Saliuka, 29, whilst on remand at HMP Belmarsh. The jury found that numerous instances of ill treatment of a discriminatory and dismissive nature, along with an insufficient willingness to address Liridon's concerns negatively impacted on his mental health and contributed to his death. Liridon's is one of 15 deaths of men in HMP Belmarsh since 2015, five of which were reported to be self-inflicted. Born in Kosovo, Liridon came to the UK with his family aged seven following the outbreak of war. A proud family-man, his sister described him as "thoughtful, funny, loving and caring." In January 2018, Liridon was involved in a near fatal car accident which left him in a coma and with life changing injuries. Following his discharge from hospital, he was bed bound for three months and required round the clock

care. He suffered from ongoing pain, mobility problems and PTSD following the accident and found it extremely difficult to come to terms with his new condition.

On 17 July 2019, Liridon was remanded to prison custody, awaiting trial. The prosecution case changed two months later to one of joint enterprise., where the prosecution pursues an individual who can be jointly convicted of an offence committed by someone else as if they were the main perpetrator. He always maintained his innocence and was determined to clear his name at trial. After three days at HMP Thameside, he was moved to HMP Belmarsh. From the moment he arrived, Liridon's concerns and health needs were largely met with disbelief and dismissal, an experience shared by many racialised people in prison. More than once his disabilities were dismissed because he used the gym. A Senior Officer told the inquest that he'd discounted Liridon's disabilities because he was "a big character" and "not wasting away". On 23 August, Liridon was moved to a disabled access cell where he had access to an orthopaedic mattress and soft chair. These were only available in an adapted cell. He was also assigned a care and support orderly by the local authority to assist with cleaning his cell and other tasks he was unable to carry out due to his disabilities.

Liridon had been expected to be acquitted of his charges at his trial on in January 2020. However, on 13 December 2019 his trial was adjourned until June. This was a source of anxiety and meant he would now have to spend a further six months in prison. This took his imprisonment on remand beyond the legal time limit of six months total. On 24 December, a Consultant Orthopaedic Surgeon carrying out a medical report for the defence in Liridon's upcoming trial, concluded that Liridon's injuries as a result of the car accident were significant and progressive with lifelong implications in addition to satisfying the criteria under the Equality Act. He also diagnosed Liridon with PTSD.

Shortly before Christmas Liridon was told by prison staff that he had to move out of his disabled access cell to a standard cell for security reasons. On 24 December, at Liridon's request, the GP recorded that Liridon had a special mattress and chair. Over the following days, Liridon was repeatedly told by prison staff that he had to move. He was asked to move again on 27 December but refused because he knew the GP had authorised his equipment., As a result, he was put on basic regime losing access to privileges such as the gym and put on report for refusing an order. Liridon usually called his family at least twice a day but they did not hear from him at all on 27, 28 and 29 December. They raised concerns with the prison but these were not acted upon. Liridon eventually called his family around 5.30pm on 30 December to say that he had been downgraded to basic regime for refusing to move cells and had not left his cell since 26 December. Liridon was upset and emotional on the call. He told his family that he felt he had no option but to agree to the move.

On 30 December a Governor stated that Liridon's move be put on hold until his needs were confirmed. Despite this, a hearing took place that morning in Liridon's absence, even though he wanted to attend, where further punishments were imposed. Liridon was moved the following morning, On 2 January, Liridon complained to a health care assistant about being without his mattress. He said he had been sleeping on the floor. Later that morning Liridon and the prisoner assigned to help him argued so Liridon wasn't unlocked to collect his lunch. When officers took it to him Liridon refused to go back into his cell and was restrained. After the restraint he remained locked in his cell. An officer responded to his cell bell at 12.23pm but staff did not check on him again until 5.25pm. He was found unresponsive and could not be resuscitated.

The jury found that Liridon's death was suicide following significant and multiple failings.

There were repeated failings to consistently recognise the fact and extent of Liridon's disability resulting in further failure to implement reasonable adjustments, specifically relating to the provisions of an adequate mattress and to conduct an adequate medical assessment, prior to completing the move from the medical cell. These were significant failures in the co-ordination of Liridon's care, with inadequate record keeping. There were numerous instances of ill treatment of a discriminatory and dismissive nature, along with an insufficient willingness to address Liridon's concerns. The jury considered the above to have negatively impacted on Liridon's mental health and thus constitute contributing factors to Mr Saliuka's suicide.

Dita Saliuka, sister of Liridon Saliuka said: "My brother, Liridon, passed away at the hands of the state. From the jury's conclusions it is painfully obvious, the very people that were meant to be protecting his life, contributed to his death. There is no greater injustice than losing an innocent loved one under the roof of a prison, where no matter how many questions are answered, they provide little comfort or closure. Too many people lose their lives in our prisons, and year after year, lessons aren't learnt, or recommendations followed. Despite the inquest concluding that significant and multiple failings and numerous instances of ill treatment of a discriminatory nature led my brother to take his own life it provides me with little hope that anything will change. There wasn't even anyone from the prison in court to hear the damning conclusion from the jury. I can only hope that change will come.

Each time a preventable and unnecessary death occurs at the hands of the state, the system becomes less trustworthy for those who live in it, and for their loved ones. Even though this chapter is now closing, the heartache lives on in me and my family and the question remains, but why? He was a loved son, brother, uncle and friend who will be greatly missed and while he was 'just' a prison number to the state, he was a human being to his family and friends. There needs to be more accountability on those whose actions lead to prisoner's deaths, and I will continue to fight for justice for Liridon and the families in our position, as well as families who unfortunately will tragically find themselves in this position one day."

Selen Cavcav, Senior Caseworker at INQUEST, said: "This damning indictment confirms yet again that our prisons are unsafe and unable to provide basic level of care to those in their care. Liridon was a young man in despair both in relation to his physical disabilities and his mental state and entirely relied on prison and healthcare staff to provide him with basic duty of care. What he was met with instead was punishment and total dismissal of his needs."

Jo Eggleton of Deighton Pierce Glynn solicitors, who represent the family, said: "Liridon was extremely close to his family. Family was everything to him. Dita campaigned tirelessly to clear his name and was clearly a huge support to him in prison. Since his entirely preventable death she has fought for truth, accountability and change for her brother and others who die in prison custody. This burden shouldn't fall on bereaved families.

### **What is the Clean Slate Initiative?**

The Clean Slate Initiative is a bipartisan policy model that works to update and expand eligibility for arrest and conviction record clearance if a person stays crime-free for a period of time. It's a proven and successful model to implement commonsense policies that create transformational changes in people's lives. Clean Slate is rooted in the American Dream - the belief that if you work hard, you should be able to get ahead and provide for your family. Everyone deserves a shot at redemption. People who have made mistakes, paid their debt to society, and now want to make a better life for themselves and those who depend on them deserve a chance to do so.

Millions of Californians whose lives have been haunted by a past criminal record will find

relief after Gov. Gavin Newsom signed a bill Thursday that allows them to have their rap sheet shielded from public view. The measure, SB731, would not erase a person's criminal record but will let people with previous arrests or convictions have their record electronically sealed, so that it doesn't turn up in criminal background checks. Prior offenders qualify only if they've completed all terms of their court sentence, including any prison or probation time, and kept clear of the justice system. Judges will still be able to see a person's full record, and the state would be required to provide a person's criminal history to schools and educational institutions that request it.

Criminal justice advocates say past offenses, due to the growing popularity of background checks, often unfairly prevent many people from living normal lives, sometimes decades after they've completed their sentence. Democratic state legislators sent the bill to Newsom's desk last month. "California now has the most comprehensive record sealing system in the nation," said Jay Jordan, CEO of the Alliance for Safety and Justice, an advocacy group that sponsored the bill. He said past offenders will be "freed from the thousands of counterproductive yet permanent restrictions" that hinder their lives.

The law takes effect July 1, 2023, and won't apply if the person was convicted of a serious or violent felony, such as murder, kidnap or rape. It also won't apply to felonies that require someone to register as a sex offender. Prior offenders convicted of a felony can have their record automatically sealed if they complete all terms of their sentence and remain conviction-free for at least four years. Those arrested but not charged with a crime can also have their record sealed.

State Sen. Maria Elena Durazo, a Los Angeles Democrat who carried the bill, said that because the state maintains a person's conviction records until they're 100 years old, people often unjustly face lifelong sanctions after they've paid the price for their crime. About 8 million Californians — 1 in 5 state residents — have a past arrest or conviction on their record. "They've done what they've been asked to do, why should they continue to be punished?" Durazo told *The Chronicle* this past summer. Beyond barriers to finding employment, housing and education, the limits people with previous felony convictions face are sweeping. Many cannot serve on homeowners association boards, volunteer or attend field trips at their children's schools, coach sports teams, adopt a child or get compensation for caring for an elderly grandparent.

California is the first state to create an automatic system for sealing felony records. The push for SB731 was led by organizers with the national "time done" movement, who said the bill will likely encourage other states to follow suit. California already has a "ban the box" law, which prohibits employers with five or more workers from asking a job applicant about their conviction history before making a job offer. But nothing prohibits employers from running a criminal background check.

Law enforcement associations and a handful of professional licensing boards opposed the bill. The Peace Officers Research Association of California said in a statement that criminals would have "less deterrent to commit another crime" if they are allowed back on the streets with a clean record. The group also warned that the bill's language doesn't exclude some violent crimes.

### **Legal visit? You Can't Bring Legal Papers**

*Inside Time:* A senior solicitor has expressed her frustration after she was banned from bringing legal paperwork to a prison visit and was forced to talk to her client through a glass screen. Dr Laura Janes (needed to talk to a young man at HMP Stocken ahead of his Parole Board hearing, to get his views on reports about him. She had hoped to conduct the meeting via video link, but despite making the request to the prison a month in advance she was told that no slots were available until after the hearing. The meeting could not be held via telephone because the man did not have

enough credits on his account. So, she had to travel in person to the prison, in Rutland – a four-hour round trip, with the taxpayer picking up a bill for more than £100 in train and taxi fares. On arrival, she was told that she could not bring in printouts of the parole reports or Legal Aid forms which the client needed to sign. She was given plain paper and a pen, and directed to a “closed” visits booth, where she was separated from her client by a screen with air vents.

Describing her experience on Twitter, Dr Janes – who is a consultant solicitor with two law firms and a board member of the Legal Aid Practitioners’ Group – said: “In almost 20 years lawyering I have never been prevented from bringing legal papers into a legal visit. Why now? I asked the officer why my client was on closed visits and was told ALL legal visits are this way. I also asked why I wasn’t allowed papers, and was told it was to stop lawyers bringing in drugs. I asked if that used to happen on visits and was told it didn’t.” Half-way through the booked visit time, the prisoner told her that if he did not leave soon, he would not be allowed a shower or outdoor exercise that day, as the time slots for those activities clashed with the time slot for the legal visit. A Ministry of Justice spokesperson told Inside Time that Dr Janes had to hold her legal visit in a closed visits booth “to ensure client confidentiality as no other suitable areas were available”. The spokesperson said that it was not standard practice for solicitors to be banned from bringing paperwork into Stocken, adding: “There is not a blanket ban on paper going in. We don’t know why that happened on this occasion.” The spokesperson said that the Governor has now reminded staff of the rules.

### **Talks For a Europrison Song Contest! Hits a Duff Note**

*Inside Time:* A few weeks ago, negotiations between the PRA (Prison Residents Association) and the MoJ (Ministry of Justice) about the holding of an annual Europrison Song Contest hit a duff note as the Ministry were incapable of making their minds up as to what they wanted to get out of the event. After a mere fifteen minutes the talks ended abruptly when the man representing the Ministry stormed out, locking himself in the privy and refusing to come out until everyone had gone away. Responding to questions on behalf of the PRA, chief negotiator Len, frontman of the prison band Lollipop and the Boogie Woogie Men, ranted – ‘It’s like Strictly Come Prison Dancing all over again – 2 steps forward and 3 steps back straight onto the governor’s size 12s, closely followed by a fortnight doing Riverdance down the segregation unit.’ The Ministry later released a statement to the press in which they said they thought the idea stunk, but this was immediately countered by the PRA who concluded that the Ministry had confused this event with the Europrison Pony Contest, which is expected to get off to a very strong start later in the year once the rhubarb has ripened. It is hoped that future negotiations between these parties get off on the right foot and hit all the right notes so that this much anticipated song contest, held using the latest prison video visits tech, will come to fruition in the very near future!

### **Private Prison Run by Sodexo - Bans Council Care Assistants**

*Inside Time:* A private prison has banned council care workers from entering to provide social care for disabled prisoners. HMP Peterborough – run by private operator Sodexo – introduced stricter security vetting on October 12. From that date, workers and volunteers who had regularly come in to the prison were told they were no longer allowed in. Those affected by the ban included care workers provided by Peterborough City Council to assist disabled residents with their social care needs. Inside Time has been told that others barred from entering included chaplaincy volunteers and charity staff who helped with activities. Among those affected was a 74-year-old female prisoner with limited mobility who is normally visited by a care worker twice a day

to help her to wash, dress and undress. After the prison banned her regular care worker from coming in, the woman spent whole days unwashed, in her pyjamas, and unable to attend her regular workplace. She is housed on a regular wing, not on the healthcare wing.

Prisoners were told that the new vetting system was rushed in after it was found that for the past seven years, checks had been inadequate. Peterborough holds both male and female prisoners, and the ban affected both sides of the prison. Following urgent talks between council chiefs and prison managers, care workers were allowed back in to the female side on October 24 and to the male side on October 27. A spokesperson for Peterborough City Council told Inside Time: “Regarding the issue of adult social carers having restricted access to Peterborough prison, we have had an update that male council carers that work within the prison were able, on October 27, for the first time in weeks to enter the prison to provide their much-needed help and support to inmates. Female carers were told by a senior member of staff in the prison that they were allowed in from October 24, so long as they were not left alone at any point.”

Sodexo told Inside Time that the issue only affected Peterborough and not the other four prisons it operates in England and Scotland. An HMP Peterborough spokesperson said: “Following a review of internal procedures, we have undertaken some remedial work to ensure that appropriate clearances are in place for a small number of people. Alternative arrangements are in place whilst this process is completed.” The spokesperson added: “This wasn’t an ideal set of circumstances; however, our Healthcare staff supported those individuals affected and we are content that there was no detriment to health or safety.” However, sources at Peterborough City Council said it was their understanding that the support provided while care workers were banned applied only to prisoners on healthcare wings. A council spokesman said: “We have been made aware that prisoners on health wings were able to access care provided by healthcare assistants.” The Ministry of Justice declined to comment, saying it was a matter for Sodexo.

### **Parole Reforms Locking People Out of Rehabilitation**

Peter Dawson, *Director Prison Reform Trust:* The slow drip feed of hard information from the Ministry of Justice about the impact of changes to the parole system continues. In this article, Peter Dawson, director of the Prison Reform Trust, examines what these latest numbers tell us.

A recent parliamentary question by Baroness Prashar has uncovered further information about the impact of the government’s parole reforms. People who are progressing really well in their life sentence can request what is known as a pre-tariff review. This is a hearing by the Parole Board, held three years before a person’s earliest possible release date—their tariff expiry. If successful, they are allowed to move to a lower security ‘open prison’. In a sensible world, everyone would be entitled to such a review without asking, and PRT has called for reviews to happen even earlier in the life sentence. That would mean that people could be completely clear about what they needed to do to stand the best chance of being released at the moment the authority to detain purely as punishment comes to an end.

But as things currently stand, the pre-tariff review procedure is all the system offers. The prison’s Governor must first support the request for the review before it is considered by the Ministry of Justice. Officials in the ministry must then endorse that support before the Parole Board can get involved. In practice, that means requests are initially considered (and can be refused) on the basis of very brief reports. These are considerably less detailed and informative than the subsequent dossier of information that is prepared if the review is eventually sent for consideration by a Parole Board panel.

Getting a pre-tariff review has never been easy. But what does this new information reveal?



It tells us that in the six months before the criteria for transfer to open conditions changed on 6 June, 133 applications for review were referred to the Parole Board by the ministry, and 113 were not. So that's a success rate prior to 6 June of around 54% in terms of at least getting your case considered with a full dossier and independently of the ministry. Since 6 June, 9 requests have been referred to the Parole Board and 65 have been blocked, a success rate of just 12%.

It beggars belief that ministers are so determined to keep lifers out of open prisons. Doing so forces the Parole Board to see cases for the very first time following their tariff expiry date, keeping people stuck in a closed prison without any of the benefits that an open prison provides to prepare someone for release. Nowadays the system has generally had at least a couple of decades to prepare for someone getting released and to test out all the anxieties it might have about allowing that. It's surely not too much to expect that getting someone safely released once they have served their minimum term—or tariff expiry—should be what that system is aiming for. The failure to get organised in pursuit of that aim—and now to adopt policies that actively frustrate it—will have very practical consequences for ministers at a time when they are running out of both prison places and the staff they need to run them. But it will also have devastating consequences for the people who are denied the chance even to put their case to the Parole Board—typically people who have done everything asked of them over many years spent in prison. This isn't simply an immoral policy. It's an irrational one.

#### **USA: 38 Year Wait For Justice: Maurice Hastings' Conviction Overturned**

Jack Sheard, Justice Gap: After spending 38 years in prison, a man convicted of a 1983 murder has been released from prison after his conviction was overturned. The evidence overturning Maurice Hastings's conviction was not analysed for two decades. In 1988, Hastings was convicted of the murder of Roberta Wydermyer. Five years earlier, she had been sexually assaulted, shot dead, and concealed in the boot of her car. The Los Angeles District Attorney had initially sought the death penalty for Hastings. The first trial resulted in a hung jury, but a second attempt saw him sentenced to life in prison, with no possibility of parole. This was despite the several alibi witnesses Hastings produced in his defence.

A piece of potentially key evidence in this case was DNA belonging to a suspect. This had been identified in Wydermyer's initial autopsy in 1983. This was not tested at the time. In 2000, 12 years after his conviction, Hastings wrote to the LA District Attorney, requesting analysis of this evidence. 'I have been incarcerated for over fifteen years for a murder that I did not commit... The most compelling of the evidence that has not as of yet been examined is the DNA evidence which will conclusively show that I was not the person involved.'

The LA District Attorney's office denied this bid. No reason has been given. It was not until 2021, over two decades later, that a new bid supported by the Los Angeles Innocence Project succeeded in having this sample tested. The DNA matched not Hastings, but another person, previously convicted of a crime with a very similar modus operandi to the Wydermyer murder. That person has since died in prison.

The Innocence Project has compiled statistics on DNA evidence exonerations. Since 1989, 375 convictions have been overturned based on DNA evidence; 21 of these were death penalty convictions. Nonetheless, a Supreme Court decision in 2009 stated that prisoners do not have a constitutional right to have DNA evidence tested after their conviction.

Statistics suggest that race plays a significant role in wrongful conviction. Of all US exonerations, 53% are Black. The National Registry of Exonerations estimates that Black people

are over seven times more likely to be wrongly convicted of murder than White people, and eight times more likely to be wrongfully convicted of rape.

Hastings said: 'I prayed for many years that this day would come. I am just looking forward to moving forward. I am not pointing fingers; I am not standing up here a bitter man, but I just want to enjoy my life now while I have it.'

The current District Attorney, George Gascón, said: 'What has happened to Mr. Hastings is a terrible injustice. The justice system is not perfect, and when we learn of new evidence which causes us to lose confidence in a conviction, it is our obligation to act swiftly.'

#### **Vetting Failures, Casual Misconduct, and a Culture of Misogyny**

Anna Yang, Justice Gap: The report ordered after the kidnap, rape, and murder of Sarah Everard by the serving Metropolitan police officer Wayne Couzens, has been published by HM Inspectorate of Constabulary and Fire and Rescue Services. It has shone a light on a 'wholly unsatisfactory' vetting process, and an 'alarming' continuing culture of misogyny and predatory behaviour. The police vetting process aims to identify unsuitability for service due to criminal involvement, a demonstrable lack of honest, unethical behaviour, or financial vulnerability. The report reviewed 725 vetting decisions, finding 131 to be 'questionable at best.' The review team further disagreed unanimously with 68, which included applicants with criminal records of sexual offending, common assault in a domestic setting, and robbery of a vulnerable elderly victim. Even before the vetting stage, some forces have chosen not to check applicant's submitted employment history and character references.

More 'challenging' types of adverse information, such as criminal association or non-conviction criminal information, is often not adequately considered or considered at all. A senior manager expressed that an 'innocent until [proven] guilty' approach was taken, contrary to vetting guidance. A culture survey of over 11,000 officers and staff revealed a continuing environment of misogynistic and predatory behaviour. Reported behaviour included senior male officers pursuing women in lower ranks for sex and sending pornography to female colleagues' phones. More serious accounts included allegations of criminal offences such as sexual assault in the workplace or at social events. Inspectors also found instances of officers transferring between forces, despite having a history of misconduct or complaints used in the re-vetting process. For instance, a chief constable approved the transfer of an officer who was accused, over the span of several years, by members of the force and a member of the public, of sexual assault.

Politicians are suggesting that the report be a 'wake-up call for chief constables.' The first section of the report details a decade studded with high profile vetting failures leading to police criminality (notably in 2011, 2013, and 2018), and a series of subsequent and detailed independent reviews (see, here and here) whose recommendations were not properly implemented. Last month, PC James Ford was found guilty of 10 counts of sexual abuse against a child, having been cleared after a vetting process that identified inappropriate social media use. Yesterday, PC Jonathon Cobban and former PC Joel Borders were sentenced to three months' imprisonment due to the content of messages in a whatsapp group shared with PC Wayne Couzens.

The report is clear that forces have had 'ample warning that behaviours, cultures, and processes need to change.' HM Inspector of Constabulary Matt Parr said: 'It is too easy for the wrong people to both join and stay in the police. If the police are to rebuild public trust and protect their own female officers and staff, vetting must be much more rigorous and sexual misconduct taken more seriously.

The police must do more to prevent unsuitable people from joining in the first place.'

### **Offender Management In Custody Model ‘Simply Not Working’**

Russell Webster: A joint inspection led by HM Inspectorate of Probation, with HM Inspectorate of Prisons, and published today has found Offender Management in Custody (OMiC) is falling well short of expected standards. The inspectors were so disappointed with OMiC that they went to the unusual step of calling for the model to be overhauled. OMiC was introduced by HM Prison and Probation Service (HMPPS) in 2018 to improve the support offered prisoners as they leave custody and are reintegrated back into the local community, so as to reduce their risk of reoffending. But the inspection found root-to-branch issues with the model citing a number of key criticisms: It is too complex and inflexible, There is a lack of understanding and implementation, Ineffective communication, and Poor outcomes for prisoners.

Chief Inspector of Probation Justin Russell did not mince his words: “The Offender Management in Custody model was an ambitious idea to better support prisoners back into the community. But however admirable its intentions, it is simply not working. We found staffing levels at crisis point in some prisons and probation regions, and levels of pre-release contact with prisoners that was sufficient to reduce re-offending in only a third of the cases we inspected. The model must be reviewed, and overhauled, at the earliest opportunity.”

Findings: The main finding from this inspection was that OMiC is a lengthy and complex process, which neither prison nor probation officers or prisoners themselves fully understand how to implement. Furthermore, it is a fixed model that cannot be changed to adapt to different types of prisons, and this is especially difficult for local establishments where they have a high turnover of prisoners. On a more positive note, the inspection did find that the transfer of Senior Probation Officers into prisons has helped to boost communication and develop rehabilitative cultures. However, regular meetings between keyworkers and prisoners took place in only 34 per cent of the cases we inspected, with only a slightly higher number (36 per cent) deemed to be supervised effectively by their prison-based probation officer. Shockingly, but probably unsurprisingly to most practitioners, communication between prison and probation staff was adequate in just 13 per cent of cases.

The key finding were: Shortfalls in public protection work, information sharing, and relationship building between prison staff, probation workers and prisoners. A distinct culture of two organisations, one prison and one probation, and joint working at a strategic and operational level is hampered by prison groups and probation regions being based in different geographical areas. Some keyworkers are providing valuable support, but the needs of prisoners in different types of establishment are not always catered for, and this causes problems on their release from prison. Some prisoners were being released without resettlement services being in place, made worse by probation unification and Covid-19. Successful implementation of OMiC requires a ‘rehabilitative culture’ in prisons, where there is space on prison wings for one-to-one interventions with prisoners to promote their rehabilitation, and this is not the norm. Staff shortages are high in some regions, and this undermines the delivery of a high-quality service and keywork does not join up with offender management often enough.

Mr Russell summarised the findings from a probation perspective: “We spoke to prison and probation staff, and many told us they are trying to make OMiC work, but it is over-engineered and not fit for purpose. It is a model that may have worked in theory but is proving almost impossible to put into practice. It is understandable that there are tensions between services, and no surprise they are struggling to communicate with each other, and prisoners, and that the basics of the model are not being delivered. It is down to HMPPS to put this right.”

Chief Inspector of Prisons, Charlie Taylor, makes it clear that the model is just not working: “This

extremely concerning reports shows the extent that OMiC is failing to achieve the aims for which it was designed. Services for prisoners remain fractured and sentence progression is often hampered by a lack of staff in Offender Management Units while the key work scheme, that was meant to be an integral part of OMiC, is not providing anything like the support that was envisaged, with officers being diverted to more general wing work.” The removal of Covid-19 restrictions provides an opportunity to look at this again and strengthen the way prisons and probation work together to help individuals to transform their lives and to better protect the public. We have made several recommendations, including a fundamental review of the role of probation Prison Offender Managers, that, if followed, I hope will help both prisons and probation to better achieve this aim.”

Conclusion: I am afraid that this report has confirmed what many people in the prisons and probation sector have known for a while, that OMiC is an ideal which is just not achievable in reality in most prisons and probation areas at the moment. It’s not surprising that in the majority of prisons who are yet to restore a full regime, the supportive prison officer role integral to OMiC is, essentially, a fiction. Similarly, probation staff in the community are just too overworked for most of them to do any pre-release work until the last week or two of a sentence. My personal experience of evaluating a range of resettlement schemes over the last thirty years is that both in-reach and outreach models can be successful but I have yet to see a successful example of through-the-gate work where different organisations provide the service in custody and in the community.

### **Model for Reintegrating Prisoners Into the Community ‘Must be Overhauled**

Ang-Ang Opilan, Justice Gap: A joint report by HM Inspectorate of Probation and HM Inspectorate of Prisons has found the system for reintegrating prisoners into the community needs ‘to be overhauled’. The Offender Management in Custody model (OMiC), introduced in 2018, was designed to help reintegrate the prisoners back to the community once released, aiming to reduce the risks of reoffending. The joint inspection report has found the model is ‘falling well short of expected standards’ and has ‘root to branch issues’.

The inspector highlighted key issues, including severe staff shortages and lack of effective communication. It found the current process is lengthy and complex to the point that neither staff nor prisoners fully understood how to implement it. In particular the report highlights cases of prisoners leaving custody with no accommodation secured, no identification documents, and no access to financial support. It found this leaves people leaving prison at greater risk of returning to crime. The current model reduces re-offending in only a third of cases.

Chief Inspector of Probation Justin Russell said: ‘The OMiC model was an ambitious idea to better support prisoners back into the community. But however admirable its intentions, it is simply not working. The model must be reviewed, and overhauled, at the earliest opportunity.’ The report criticises a ‘culture of two organisations, one prison and one probation’ which has exacerbated failures.

A staffing crisis has also lead to high workloads, meaning the model can’t be delivered as planned. Across England and Wales the prison estate needs to hire 6,000 more prison officers and 1,500 operational support staff to meet future need. Chief Inspector of Prisons, Charlie Taylor, said: ‘This extremely concerning report shows the extent that OMiC is failing to achieve the aims for which it was designed... We have made several recommendations, including a fundamental review of the role of probation Prison Offender Managers, that, if followed, I hope will help both prisons and probation to better achieve this aim.’