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40 Years of Resistance - Southall Black Sisters (SBS)

In 1979, Southall's largely working class community was galvanised into resistance against economic upheaval and racial tension under the shadow of Thatcherism. Mass anti-racist rallies challenged the National Front's provocative decision to march through the area in a move designed to intimidate the largely Asian population. What followed were mass arrests and assaults on Asian and African Caribbean youth and white anti-racist activists, culminating in the demolition of a black community centre and the murder of Blair Peach by the then Special Patrol Group, a militarised arm of the police. Although young people in Southall had protested against the racist murder of Gurdip Singh Chaggar in 1976, this was the first time that all members of the community, young and old, men and women, had come together to make their presence felt. A courageous but fragile 'black community' was born.

This moment also saw the birth of Southall Black Sisters (SBS). We arose out of the anti-racist defence of Southall and in the process sparked a feminist consciousness. The burning of a local woman 'Mrs Dhillon' along with three of her five daughters by her husband for failing to produce a son was the catalyst. Like any rebellious child, we charted our political journey towards a secular, anti-racist feminism that both drew on and challenged the orthodoxies of the movements into which we were born. The challenge we set ourselves was two pronged: we sought to address the failure of the anti-racist movement to deal with the gender question and the failure of the feminist movement to deal with the race question. In so doing, SBS emerged as one of the first black feminist campaigning groups in the UK to challenge both racism and sexism at the same time.

SBS broke the silence on domestic violence in the early 80s with protests against a spate of domestic abuse related murders and suicides of South Asian women in Southall and elsewhere. Unlike the race mobilisations in 1979, born out of anger and indignation, the same community responded to these atrocities with silence. By mobilising around domestic violence and gender inequality, we set ourselves not only against traditionalists who sought to subjugate women through the maintenance of a patriarchal status quo, but also against aspects of the anti-racist movement that lapsed into narrow identity politics which denied other forms of inequality born out of religious, caste and gender divisions and differential access to power within marginalised communities. Our dissenting politics broke with the anti-racist myth of community unity.

In 1983, we set up frontline advocacy services that have since provided a lifeline to women in Southall and across the country. We have supported thousands of black and minority women across the UK and beyond: to exit abuse, assert their rights and regain their dignity. Our feminist campaigns have drawn on the routine experiences of the women who come to us with stories of violence and abuse, including more culturally specific forms of harm such as forced marriage and honour based violence.

Since the 1980s we have challenged and resisted gender and racial inequality against a backdrop of profound political, economic and social change. From campaigning for the release of Kiranjit Ahluwalia – a seminal moment in our history – to calling for more humane immigration laws and defending the existence of specialist services, we have had to contend with growing state authoritarianism, a 'hostile' immigration environment, and deepening economic inequality born out of austerity.

Crucially, we have also sought to challenge the more reactionary aspects of 'official' multiculturalism. But by the early 1990s this approach to race relations had morphed into a policy of multi-faithism: a regressive development at the heart of which lies the use of religion as the main basis for social identity and mobilisation within minority communities. Nowhere was this challenge more clear than in our defence of Salman Rushdie, another pivotal moment for SBS that led to the formation of Women Against Fundamentalism (WAF); a coalition of feminists who tried to develop a feminist politics of solidarity based on political values and not identity.

Today, the gains we have made in defending secularism, equality and fundamental human rights are under threat. Events across Europe, the US and indeed throughout the world reflect the ascendancy of a politics of intolerance, hatred, censorship and violence – evident in the rise of religious fundamentalism and the Far Right. It is a politics driven by fear of the other' in which governments themselves are complicit.

We did not think that SBS would survive this long. It has been a long and arduous journey that has brought us from the margins to the centre of cutting edge activism, debates, laws and policies on race, religion and gender. We do not know what the future holds. We hope that our legacy will inspire the next generation to further the cause of humanity and progress.

Talking Technology - Time for IT in Prisons to be Taken Seriously

"We are Anonymous. We are Legion. We do not forgive. We do not forget. Expect us"

The above passage was the calling card of the hacker group Anonymous, and their lesser known successor group LulzSec. Although the rise of Anonymous was one of the more sensational media stories of the noughties what is not widely known is the core of the organisation centred on six individuals. Society would consider the six individuals as having learning difficulties and/or as social misfits, as none fit comfortably into conventional society. Two had autistic traits, two were ex-soldiers, one of whom was a transgender, another was an ardent self-publicist and the sixth was a 16 year-old political activist from London who hacked the Tunisian Prime Minister's computer and took down his website prior to the Arab Spring rising.

The Anonymous example is an indication of how a group of socially impaired individuals, some with learning disabilities, were able to come together and interact via a computer network to achieve worldwide notoriety, whilst making governments and international organisations look powerless. Self-taught, they interfaced with computers in a way they were challenged to do when dealing with life. Within the prison population there are many hundreds, perhaps thousands, who find it easier to interact with a computer than people.

There are many hundreds of 'me too' claimants of Anonymous membership after their 'primary hack', an attack on the Church of Scientology, yet the core group given above are those prosecuted as active members of Anonymous & LulzSec. (LulzSec is a development of 'laugh out loud' (lol) with Sec, shorthand for Security).

Within Britain's prisons E-inclusion, the widespread use of technology, is virtually non-existent. The only modernisation to be found in education classrooms is the use of whiteboards and marker pens rather than blackboards and chalk. Where computers do exist, usually only where 'Information Technology (IT)' is taught, almost without exception the computers used have USB ports blocked, disk drives disabled, and computer content supplied from a central server only equipped with limited pre-approved software and programmes. In many cases, mundane programmes like spell-checkers are not present and operating systems are server supplied. The most common operating system used is the 20 year-old Windows XP, with even outdated Windows 7 a rarity.

A significant proportion of prisoners lack Level 1 in English and Maths; many are unable to read or write at primary school level. Additionally, there is a significant proportion of prisoners 'studying' English as a Second Language (ESOL) yet the same absence of technology is all too apparent, with whiteboard and textbooks the only teaching aids. Prisoners do not embrace education as understandably they consider teaching methods (above) 'boring' – hardly surprising as most are from a technology rich environment real life.

Imagine the use of speech to text software to permit the illiterate to see how the word they say appears in text form, in English classes. Imagine the use of video lectures for Geography or History. Imagine the use of YouTube or Wikipedia entries in diverse subjects. Imagine that for Maths classes the Internet's interactive sites that children use for homework and revision. Virtual reality is now being touted as an education aid, yet it will be decades, perhaps centuries, before the Prison Service discovers it.

What are the obstructions to introducing technology into Britain's prisons? One problem is the exam driven focus on privatised education providers; exam results are how they get paid so the emphasis is only on teaching to pass exams. Another example is perhaps surprising as it is IT managers, that is to say those that manage the networks rather than IT tutors. This latter group of IT managers' activities are often laughable. Inclusion of any modern technology is refused using excuse, security. Yet more often than not, these IT managers have no educational experience, no teaching qualifications – they simply manage a network rather than IT tutors.

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Breaches of Procedure at Appellant's Committal Proceedings - Upheld

1. This is an appeal as of right pursuant to section 13 of the Administration of Justice Act 1960 ("the 1960 Act") from the order made by HHJ Murfit sitting in the County Court at Chelmsford on 2 October 2018 committing the appellant to prison for 28 days suspended for a period of 12 months for breach of an injunction granted by HHJ Lochrane on 25 September 2018.

2. By an application dated 13 September 2018 the respondent applied to Chelmsford County Court for a "Gang Injunction" pursuant to section 34 of the Policing and Crime Act 2009 in respect of the appellant and four other persons. The application was supported by a police witness statement which identified the grounds for asserting that the appellant and others had engaged in, encouraged or assisted, gang-related violence and drug dealing activity and the need for each to be made subject to an injunction. The appellant was not legally represented at the September hearing. He arrived at court after the injunction had been granted. The appellant was invited by the judge to make representations, this he did, however the judge confirmed the terms of the order he had previously made.

3. The order contains no less than 26 conditions, some of which are broad in their drafting which does not assist interpretation nor understanding of the ambit of the relevant condition. They include the following: 2. Not to Enter Grays Town Park 3. Not to Enter Grays Town Centre 7. (Not to) Congregate, join or remain in a public place in a group of two or more (with one being himself) where the group is behaving in a manner causing or likely to cause any person to feel intimidated or fear for their safety. 9. (Not to) Be in possession of any knife or bladed article irrespective of length of blade in a public place (no matter what type of knife). 10. (Not to) Be in possession of any Controlled Drugs or paraphernalia used to possess, sell or manufacture controlled drugs i.e. cannabis, grinders, deal bags. 13. (Not to) Wear any article of clothing with an attached hood (whether detachable or not) in a public place or a

place to which the public have access unless in inclement weather i.e. raining. 14. (Not to) Wear any article or item of clothing (for example a hood, scarf or balaclava) covering his face or any part of his face in a public place or a place to which the public have access unless in inclement weather i.e. raining. 17. (Not to) Own, use or have with him any mobile telephone or telephone SIM card the phone number and IMEI number for which has not been disclosed to the Chief Constable of Essex Police or appropriate Police Force for the area in which he resides. 18. (Not to) Fail to notify the Chief Constable of Essex Police or appropriate Police Force for the area in which he resides immediately or as soon as reasonably practicable with any change or proposed change to his mobile phone number(s)" The order contained a provision which permitted the appellant to enter Grays Town Centre for the purpose of attending college with the proviso that he was to leave within a specified time.

4. On 1 October 2018 at 18:30 hours DC Phillips was on duty in Grays Town Centre when he saw the appellant in the company of two males. The appellant was wearing a hooded top underneath a jacket which also had a hood. DC Phillips stopped the appellant and asked him what he was doing. The appellant said that he had finished college at 17:00 hours. DC Phillips thought that it was unreasonable for the appellant to be in the area 90 minutes after he had finished college. He arrested the appellant for breaching conditions 3 and 14 of the injunction.

27. The appellant attended the county court on the morning of 2 October 2018 having spent his first night in custody and expecting to be represented by a lawyer. By the time he appeared before the judge it was clear to all that he had no legal representation in proceedings in which his liberty was at stake. He had received no advice from his own lawyer as to the nature of the contempt proceedings. The terms of the injunction were lengthy and represented less than a model of drafting clarity. There was a real risk that the appellant would not fully or properly understand the nature, detail and consequences of the committal proceedings.

28. When the appellant appeared in court Ms Philpott immediately raised with the judge whether or not she was prepared to proceed with the appellant as he was unrepresented. It is clear that Ms Philpott and the judge believed that the appellant would be eligible for legal aid and thus legal representation. The judge noted that legal representation would be helpful to the appellant, an observation which had to be correct given the nature of the proceedings. This was not so urgent a hearing that an adjournment could not be granted. The judge appears not to have acknowledged at the outset of the proceedings the real need for an adjournment in order to permit the appellant to obtain legal aid and legal representation. At the conclusion of the appellant's evidence the judge did raise the possibility of an adjournment to enable the appellant to obtain legal representation. It was too late. From the start of the hearing, the judge was aware of the alleged breaches of the injunction, she would have been aware of the consequences of such breaches directly affecting the liberty of the appellant. Given the age of the appellant, the absence of previous convictions and thus experience of the courts together with the risk to his liberty, the judge should have adjourned the proceedings to enable the appellant to obtain legal aid and legal representation.

29. The respondent accepts that the documents upon which it relied for the purpose of these proceedings did not strictly comply with the relevant Application Notice as required by CPR Part 23. The documents which comprise the bundle for the court did include details of the alleged breaches, the statement of DC Phillips and the original injunction. This court is not in a position to resolve the issue of whether the appellant saw and received these documents from Ms Philpott prior to going into court or whether he saw the same only when giving evidence. In

any event, it is not suggested on his behalf that the failure to provide these documents in the prescribed form is a material error such as to undermine the fairness of these proceedings.

30. The judge having decided that the hearing would proceed, and having told the appellant that she could hear from him as a litigant in person, should have informed him of his right to remain silent. Nothing was said to the appellant by the judge or Ms Philpott to inform him of this fundamental right.

31. The appellant having elected to give evidence, the next step for the judge was to warn him about self-incrimination. No such warning was given. This failure compounded the failures to allow him legal representation and the failure to inform the appellant of his right to remain silent.

32. At the conclusion of the appellant's evidence the judge invited him to add anything to his evidence. He said that he was sorry and promised not to break his injunction again. That represented the totality of his mitigation. No mention is made during the hearing of the appellant's age nor of his absence of previous convictions. Those facts are absent in the sentencing remarks of the judge which can only be described as succinct. No questions were asked by the judge as to the appellant's background and circumstances. In such a relatively young offender these are matter which properly should have been before the court. The judge gave no reasons as to why a custodial sentence was appropriate. She made no reference to other means of disposal. The absence of appropriate legal representation resulted in the appellant being deprived of the opportunity to properly put before the court mitigation which represented all the relevant facts and was focused upon the appropriate disposal of the matter.

33. The point is made by the respondent that even if the appellant had been advised of his right to remain silent and warned of self-incrimination the outcome would have been no different. To that submission I note the approach of the court in the matter of L (a child) (above). Sir James Munby P rejected the respondent's argument that even if there had been a separate hearing of the contempt application the result would have been the same. He observed that the appellant may have been a very lucky man but went on to state that "…there can be no question of upholding findings of contempt against a person who has been deprived of valuable safeguards in the circumstances of this case". A similar approach was taken by Sir Brian Leveson P in Re West where the court recognised that the failure of process invalidated the conclusion reached by the judge. Sir Brian Leveson P stated: "We recognise that it is likely to have made little difference but we are not prepared to assert that; it is far more important to underline the vital importance, where issues of contempt arise in circumstances of this nature, of following the approach laid down by the Crim PR." It is apparent from the authorities that the courts adopt a fairly strict approach and are reluctant to countenance arguments that procedural failings that go to the fairness of proceedings are immaterial.

34. I accept the appellant's submission that there were four breaches of procedure at the appellant's committal proceedings. They were caused by the failure of the judge to: i) Adjourn the proceedings to permit the appellant to obtain legal aid and legal representation; ii) Advise the appellant of his right to remain silent; iii) Warn the appellant of the risk of self-incrimination prior to giving evidence; and iv) For a second time, not adjourning the proceedings to afford the appellant the opportunity to obtain legal representation such as to enable properly informed and focused mitigation to be made on his behalf.

35. The effect of these breaches, singularly and cumulatively, was to deprive the appellant of valuable safeguards the purpose of which is to ensure a fair hearing. The appellant did not receive such a hearing. As a result the order for committal must be quashed.

36. Appeal allowed. Contempt application remitted for a further hearing before a different judge.

Beyond Prison, Redefining Punishment

David Gauke here, sets out his vision for a "smart" justice system to reduce reoffending, protect the public and ensure serious criminals receive the punishment they deserve. Since the early 1990s, we've seen the prison population almost double, from about 45,000 in 1993 to just over 83,000 in 2008. Since then, it has been broadly stable and currently stands at a little below 83,000. This is the highest rate of imprisonment almost anywhere in western Europe. For every 100,000 people in the Netherlands 61 are behind bars in Denmark 63 in Germany 76 in Northern Ireland 8 inItaly 99 in France 104. in Scotland 138 England and Wales incarceration rate is 139 people per 100,000.

Why do we have such high rates of imprisonment – both by international standards and our own historical standards? Part of this is about our society and the government rightly recognising and responding to the rise in certain types of crime. More offenders are being jailed for violent crime for example. And last year, over a third of people sentenced for crimes involving knives or other weapons were given immediate custodial sentences. That's up from 23% in 2009. And the length of sentences is increasing – sentences for sexual offences, for example, have gone up from 43 months in 2007 to just under 61 months in 2018. It's also about changing expectations about the kinds of crimes for which we expect perpetrators to be more severely punished.

Look at sexual offences where we've seen more victims feel able to come forward, more people brought to justice, and with many more convictions and much longer sentences than a decade ago. But it's not just about violent or sexual offences. Prison sentences, in general, have been getting longer. Even for offences which aren't violent or sexual, the average sentence length overall has increased. Take fraud: the average custodial sentence for that has gone up from just under a year in 2007 to over 18 months in 2017. Now, whatever your own views on what should happen, as a matter of fact it is clearly not true that sentences overall are getting shorter or justice is somehow getting softer – as some argue. When it comes to the length of prison sentences we are now taking a more punitive approach than at any point during Mrs Thatcher's premiership.

Let me be clear, I do not want to reverse the tougher sentencing approach for serious offences. But equally, we should be extremely cautious about continuing to increase sentences as a routine response to concerns over crime. We have to recognise that such an approach would lead us to becoming even more of an international and historical outlier in terms of our prison population. Instead, we need to take a step back and to ask ourselves 3 questions: 1) Is our approach to sentencing actually reducing crime – when reoffending remains stubbornly high, creating more victims and putting the public at risk? 2) Are we running our prisons in a way which maximises offenders' chances of turning their lives around, of going on to gainful employment and re-joining society as a responsible citizen? 3) And should we be seeking opportunities in the coming years to find better and alternative ways of punishing as well as rehabilitating offenders?

It is these questions – how we punish people for their crimes - which I'd like to talk about today (18 February 2019). I think now is the time for us as a society, as a country, to start a fresh conversation, a national debate about what justice, including punishment, should look like for our modern times. Because as I see it, there is a false choice between the narrow and often polarising discussion about 'soft' justice versus 'hard' justice. In my view, we should be talking about 'smart' justice. Justice that works.

Now, for most of us in society, the very idea of going to prison for even a short amount of time, and the loss of liberty that entails, is a real deterrent. But that thinking fails to get into the mindset of many of today's criminals –who are either reckless, or who don't fear prison because they have friends and family who have all done time. Perhaps their lives are so chaotic that prison, in the scheme of things, might not seem so bad. That is true of no group more than those serving the shortest sentences.

In the last five years, just over a quarter of a million custodial sentences have been given to offenders for six months or less; over 300,000 sentences were for 12 months or less. But nearly two thirds of those offenders go on to commit a further crime within a year of being released. 27% of all reoffending is committed by people who have served short sentences of 12 months or less. For the offenders completing these short sentences whose lives are destabilised, and for society which incurs a heavy financial and social cost, prison simply isn't working. The most common offence for which offenders are sentenced to less 6 months – some 11,500 offenders – is shoplifting.

We know that offenders who commit this kind of crime often have drug or alcohol problems, and many are women. Almost half of women sentenced to a short custodial sentence are there for shop theft. The impact of short custodial sentences on women generally is particularly significant. Many are victims, as well as offenders, with almost 60% reporting experience of domestic abuse and many have mental health issues. For women, going into custody often causes huge disruption to the lives of their families, especially dependent children, increasing the risk they will also fall into offending. And for many offenders, both men and women, who may not have a stable job or home, and who are likely to have alcohol or drug problems, a short stay in prison can result in them losing access to benefits and drug or alcohol support services and treatment. Coming out of prison, they find themselves back at the start of the process and feeling like they have even less to lose.

That's why there is a very strong case to abolish sentences of six months or less altogether, with some closely defined exceptions, and put in their place, a robust community order regime. Let's be honest. The public will always want to prioritise schools or hospitals over the criminal justice system when it comes to public spending. But where we do spend on the criminal justice system, we must spend on what works.

Why would we spend taxpayers' money doing what we know doesn't work, and indeed, that makes us less safe? We shouldn't. The reception of a new offender into custody – that first night inside – is one of the most resource heavy moments in an offender's journey through the system. Every offender must have their property logged. They must be issued with their prison essentials – toothbrushes; clothing; bedding. They must be risk assessed for self-harm risks and the risks they pose to other offenders. There are full security procedures including a strip search for many. And then once these offenders are set up inside, there's no time for the prison service to do any meaningful rehabilitative work with them.

In 2017, almost 50,000 offenders were sentenced to immediate custody for 6 months or less. By abolishing these sentences we'd expect also to reduce the number of receptions carried out. Just think how much better we could use the prison officers' time and resources, whether focusing on security, whether looking after those at risk of self harm, or whether spending more time on running regimes which really will make a difference – those built around temporary release for work, education, and tackling drug addiction. And offenders are less likely to reoffend if they are given a community order, which are much more effective at tackling the root causes behind criminality. Now, I do not want community orders which are in any sense a 'soft option'. I want a regime that can impose greater restrictions on people's movements and lifestyle and stricter requirements in terms of accessing treatment and support.

And critically, these sentences must be enforced. That's why on Saturday I announced the rollout of our new GPS tagging programme which will allow offenders' movements to be more effectively monitored. Working with our justice partners, I hope that GPS tags will be available across the country by April. It will be an important new tool in controlling and restricting the movement and certain activities of offenders. It will also help manage offenders safely in the community and strengthen the protection available for victims by monitoring exclusion zones. Other new

technology and innovations are opening up the possibility of even more options for the future too. For example, technology can monitor whether an offender has consumed alcohol, and enables us to be able to better restrict and monitor alcohol consumption where it drives offending behaviour. We are testing the value of alcohol abstinence monitoring requirements for offenders on licence, building on earlier testing of its value as part of a community order.

Underpinned by evidence of what works to reduce reoffending, we are also increasing the treatment requirements of community orders. Our research shows that nearly 60% of recent offenders who engaged with a community-based alcohol programme did not go on to reoffend in the two years following treatment. Offenders given a community sentence including mental health treatment have also shown to be significantly less likely to reoffend. That's why we have worked with the Department of Health and Social Care, NHS England and Public Health England to develop a Treatment Requirement Programme which aims to increase the number of community sentences with mental health, drug and alcohol treatment requirements. The programme is currently being tested in courts across five areas in England –Milton Keynes, Northampton, Birmingham, Plymouth and Sefton. It dictates a new minimum standard of service, with additional training for staff to improve collaboration between the agencies involved – all of which is increasing confidence among sentencers to use them. I look forward to seeing the outcomes of those trials shortly.

Many offenders in prison have mental health problems, but often struggle to engage with treatment on the same terms as they could in the community. That is why the Health Secretary and I want to explore how innovative digital technologies can be put to use to serve the mental health needs of our prisoners. We also know stable accommodation is a key factor in reoffending. As part of the Government's Rough Sleeping agenda, we are investing up to £6.4 million in a pilot scheme to help individuals released from three prisons – Bristol, Leeds and Pentonville – who have been identified as being at risk of homelessness into settled accommodation, while providing them with wrap around support for up to two years. This is part of a cross-government action necessary to cutting reoffending and tackle the root causes of criminality. But if we want to successfully make a shift from prison to community sentences it is critical that we have a probation system that commands the confidence of the courts and the public.

I will return to the subject of probation in much greater depth later this year. But, in thinking strategically about the future of our justice system I believe in the end there is a strong case for switching resource away from ineffective prison sentences and into probation. This is more likely to reduce reoffending and, ultimately, reduce pressures on our criminal justice system. I am determined to strengthen the confidence courts have in probation to ensure we can make this shift away from short custodial sentences towards more punitive and effective sanctions and support in the community.

However, as I mentioned earlier, prison will continue to be right for some. My second question was about what sort of prison regime we want. For those who are serving longer sentences, we need to ensure that prisons are humane, safe and secure. Much good work has been done over the past year, led by the excellent Prisons Minister Rory Stewart. But in prison, to reduce the chances of reoffending on release, there needs to be a positive outlook for the future and a sense that there is light at the end of the tunnel so long as an offender wants to turn their back on crime. That's why I have spoken before and we have consulted on a new approach to incentives and privileges that better incentivises prisoners to abide by the rules and engage in education, work and substance misuse interventions, whilst ensuring poor behaviour can still be tackled through the loss of privileges.

It means maintaining a link to the outside world – for example with work and family – so that prisoners don't get institutionalised and lose hope. If, at the end of a prison term, our objective is to release into the community a responsible citizen, we must first ensure that we

have a responsible prisoner. An important way we can do this for some prisoners is release on temporary license – or ROTL. Research last year shows the more ROTL a prisoner gets, the less chance there is of them reoffending. It provides purposeful activity and experience while in prison so that they have the right attitude for work, can get a job when they're released, prepare for re-joining their families and society and turn their back on crime for good. We are currently consulting on loosening some of the barriers to using ROTL for some prisoners. Our plans will encourage using ROTL more often to get prisoners off the wings and into the workplace by removing blanket restrictions on when governors can consider ROTL, particularly those who have progressed to open conditions. Rather than blanket bans, the focus will rightly be instead on how safe it is for a prisoner to be released on ROTL, enabling them to go out to work sooner, and helping them to prepare for eventual release. I am pleased to say that three prisons, HMPs Drake Hall, Ford and Kirkham, are currently testing out new arrangements for ROTL, giving their Governors more discretion over temporary release for men and women. This will be a great opportunity to learn from their experience, and explore the best ways to safely and more quickly get prisoners out for work.

Our other reforms will also make reoffending less likely on release. Whether that's our £7 million investment for new in-cell telephones to maintain family links or looking at how we categorise the risk prisoners pose so they are put in the right type of category prison. This brings me to my third fundamental question. Is it time to begin to think again about how we punish offenders in future. Historically, for many offenders our earliest prisons were little more than holding pens ahead of transportation or indeed capital punishment. Of course, those sanctions are no longer available to us. And, for the avoidance of doubt, I am not advocating their return. But for the past couple of centuries, we have – almost by default – come to accept the view that punishment essentially means prison. Looking at reforming short sentences by providing a robust community orders regime is a near term initiative that will help us tackle the problem of reoffending.

But thinking about effective punishment for different crimes isn't limited to those that currently get short sentences. I believe we are nearing a time when a combination of technology and radical thinking will make it possible for much more intensive and restrictive conditions to be applied in more creative and fundamental ways outside of prison. I think for some offenders we need to revisit what effective punishment really means. Home curfew, driving bans, alcohol bans and foreign travel bans are just some of the options that already exist and which might play a bigger role.

I believe the biggest potential comes from being able to better target someone who makes large profits from committing a financial crime like fraud. Or the kingpin drug baron who makes his money one step removed from the violence and misery this illicit trade creates. Fraud, for example, is a serious offence. It is far from victimless and the consequences for innocent people can be devastating. So, it needs a serious punishment. And the criminals who commit these offences are calculating. They are premeditated. And they are motivated by greed. In recent years, the custody rate has increased from 14.5% in 2007 to over 20%, and the average custodial sentence going up from under a year to over 18 months. But once fraudsters have sat out their sentence, they may be able to return to their comfortable lifestyle as soon as they get out. Indeed, serving a 2 year prison sentence but knowing your illicit cash is still hidden from the authorities, is not an effective punishment.

I can see us being able to take a different approach. For example, this kind of fraudster or kingpin would still need to spend time in prison. And we will continue to pursue relentlessly to confiscate the proceeds of crime. But we could go further. I want to look at what happens after prison – whether

our more effective punishment and deterrent for these criminals might involve jail time and more lasting and punitive community interventions. After serving part of their sentence behind bars, we could, for example, continue to restrict an offender's movement, their activities and their lifestyle beyond prison in a much more intensive way. And that could also mean a real shift in the standard of living a wealthy criminal can expect after prison. I want to look at how, once a jail term has been served, we can continue to restrict their expenditure and monitor their earnings, using new technology to enable proper enforcement. They would be in no uncertainty that, once sentenced, they wouldn't be able to reap any lifestyle benefits from their crimes and would need to make full reparation to the community as part of the sentence.

I'm keen to get industry working with us to develop the necessary technology. Our banks are looking more and more at their social responsibilities, and they could look at what part they can play in investing to help us to deliver this vision. Community sanctions like this won't be soft options, but they will be smart ones. They will enable us to impose an unprecedented level of punitive sanctions outside of a prison, with punishment hitting closer to home and hitting criminals where it always hurts – the pocket. It will allow us not only, as the old adage goes, to 'let the punishment fit the crime', but to let the punishment properly hit the criminal in a more tailored and targeted way outside of prison.

Prison will always play a part in serving as punishment for serious crimes and in rehabilitation, and our reforms will deliver that. But we need to think more imaginatively about different and more modern forms of punishment in the community. Punishments that are punitive, for a purpose. As with our approach to short sentences, ultimately, it's about doing what works to reduce reoffending and make us all safer and less likely to be a future victim of crime. In that sense, I believe the choice – and the debate – isn't one of soft justice or hard justice. It's a choice between effective justice or ineffective justice.

I know that there will be some who argue that the only problem with our criminal justice system is that it isn't tough enough, that the answer to short sentences is longer sentences, that the best way of stopping recently released prisoners from reoffending is not to release them. And that the endless ratchet effect of higher sentences is giving the public what it wants.

But I believe that those in positions of responsibility have a duty to show leadership. To confront difficult issues, be led by the evidence and pursue policies that are most likely to deliver for the public. That, I hope, is the approach I have set out today – thank you.

Diamond in the Bowels

Scottish Legal New: A man has been jailed for stealing a diamond ring – by swallowing it. Ian Campbell, 54, was sentenced to more than eight years' imprisonment for "qualified theft" by a court in Turkey, Demiroren News Agency reports. The Northern Ireland man was arrested last October in Marmaris after he attempted to steal the 2.5 carat diamond ring from a jeweller. But an assistant at the shop locked the door to prevent Campbell from leaving, prompting the tourist to swallow his booty. The police took him to Marmaris State Hospital on the orders of a prosecutor, where doctors were told to surgically remove the ring if it didn't exit Campbell "by natural means". Speaking from his hospital bed in October, he said: "I lost my wife in a traffic accident. Her body could not be removed from the car, which fell into a lake, for days. "After the accident, her diamond ring, our wedding ring, could not be found despite a search operation in the lake. Whenever I see a diamond ring on display at jewellery shops, my wife always comes to my mind. I feel a strong urge to take those rings, especially the ones with higher carat diamonds." Campbell is expected to appeal.

Stand Against Injustice

Barry George was wrongfully convicted of the 1999 murder of TV presenter Jill Dando and spent eight years in prison before his conviction was quashed. His sister Michelle Diskin Bates has written a memoir of the toll the case has taken on her family. "The healing of damaged relationships is difficult to achieve after a miscarriage of justice. People have been hurt, words have been spoken that cannot be taken back. Trust will have broken down, and bitterness can become the driving force in many lives. Guilt, anger, fear, denial, pain, confusion and blame. These are all emotions I have either experienced or witnessed since Barry's release. Barry and I clashed many times - with me being the one to shout and scream at the poor guy for his unintentionally injurious effect on our family's life. I shouted, stormed and blazed. Barry looked on, confusion in his eyes, speaking words of apology to me. None of us had a magic wand to wave that would make all this disappear." Like Sam Hallam and Victor Nealon, Barry George has been denied compensation for wrongful imprisonment. Michelle says the judges have in effect ruled that he "wasn't innocent enough". Jill Dando's killer has never been found.

'Our Mother's Actions Were the Result of a Life-Long Campaign of Fear'

Charlotte Cook, 'The Justice Gap': For the first time psychological abuse as a form of domestic violence will be argued as a defence to murder in the Court of Appeal next week. Sally Challen's 18-year conviction for murder will be put under review as her legal team argues that decades of coercive and controlling behaviour at the hands of her husband were the trigger for her violent attack. If successful, the conviction for murder would be commuted to manslaughter or else lead to a retrial. The couple's two sons, James and David, issued a statement at the weekend explaining why they have led the campaign backing their mother's appeal. They call their mother's appeal 'a landmark case' and the first to use coercive control as a part of a defence to murder. 'This appeal crucially provides an opportunity to recognise the lifelong abuse Sally suffered and, in the hope of understanding the cause of her actions, provides an understanding of how she was driven to take the life of our father, Richard,' they wrote. You can read more about the Sally Challen case on the Justice Gap here.

During Sally Challen's trial, the two brothers said that the jury heard their mother being portrayed as a person 'consumed by jealousy' who 'having suspected our father of cheating on her; counted his Viagra pills and took his life because she found herself eaten up with jealously at his friendships with other women'. 'As sons of both Richard and Sally, we have sought to bring to light a true understanding of the events that lead up to our father's death,' they continued. 'Our mother's actions were not led by the emotions of jealously nor rage but stemmed from the life long campaign of fear and psychological abuse waged by our father through his coercive controlling behaviour.'

In August 2010, Sally Challen killed her husband Richard Challen at the family home. 'Afterwards, our mother drove to Beachy Head, parked up and walked to the cliffs to end her life. It took a suicide prevention team hours to talk her down, after which she was arrested for murder,' James and David wrote. Sally Challen was only 15 when she met their 21-year-old father. 'At first he was charming but gradually the abuse began. He bullied and humiliated her, isolated her from her friends and family, controlled who she could socialise with, controlled her money, restricted her movement and created a culture of fear and dependency,' the sons wrote. 'Our father fed into our mother's mind the abuse she was suffering over 40 years was normal. Whilst he forced strict restrictions on her behaviour, he himself, would have numerous affairs and visit brothels. If she challenged him, he would gaslight her, make her question her sanity and furthermore seek to control us as sons to believe our mother was mad.'

In 2015, coercive control became an offence and the draft of the Domestic Abuse Bill seeks to extend the definition of domestic abuse, see here. Coercive control covers an act or pattern of acts of assault, threats, humiliation and intimidation designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

Harriet Wistrich, the solicitor representing Sally Challen and founder of the new legal charity Justice for Women, said that domestic violence was 'often visualized in the form of a woman with a black eye or broken arm'. 'The concept of coercive and controlling behavior provides a much more comprehensive picture of the combined methods of coercion and control, that can lead a victim to become so subject to the bullying of another, that her liberty is effectively removed,' she said. 'We are not arguing in this case that coercive control would provide a complete defence to murder, but the circumstances of a lifelong marriage amount to a form of provocation, which should reduce a murder conviction to manslaughter.'

As of May, last year there had been nearly 300 prosecutions of coercive behaviour and psychological abuse, however this will be the first time in which an appellant will seek to rely on the defence to a murder charge since its introduction in 2015.

Justice Secretary Unveils GPS Tag Rollout to Better Protect Victims

Justice Secretary David Gauke hasannounced the national roll out of new GPS tags which will provide 24/7 location monitoring of offenders. This will help strengthen supervision, enforce exclusion zones and give victims greater peace of mind. If a tagged domestic abuser or stalker enters a banned area or a gang member is found somewhere they should not be, this new capability will issue an automatic alert and their whereabouts will be known. Victims can now feel safer in the knowledge that any breach of an exclusion zone will result in an immediate alert. The tags also provide a tougher option for community sentences which can be used alongside requirements like alcohol or drug treatment programmes.

Justice Secretary David Gauke said: GPS tagging will help to better protect victims and give them the reassurance that perpetrators will not be able to breach an exclusion zone without triggering an immediate alert. I am confident that this important new technology will become a vital tool to increase public protection and strengthen options for tougher community sentences. The GPS tags have so far been rolled out to 3 regions, the North West, Midlands and North East, with other regions due to go live in the coming months. The tags will be available across England and Wales by the summer.

The new technology is also set to be piloted in London (by the London Mayor's Office for Policing and Crime) to monitor offenders released from prison who have been convicted of knife crime offences. Offenders will have their movements checked against locations of reported crimes, in an effort to tackle violence in the capital. DCC Jon Stratford, Gloucestershire Police, NPCC Electronic Monitoring lead: The potential benefits of using this new technology to better protect victims are recognised by the police service and we're working closely with the Ministry of Justice to identify a suitable joint implementation programme.

A wide range of offenders will be eligible for the new tags, including those subject to court-imposed bail, community orders and suspended sentence orders, as well as those on Home Detention Curfew and indeterminate sentenced prisoners released by the Parole Board. Location monitoring can be used to: enforce an exclusion zone – an offender or individual on

bail can't enter a specific location or area - keep a given distance from a point or address, including victim's address or that of a known criminal associate - monitor an offender's attendance at a certain activity – for example work or a rehabilitation programme - monitor an offender's movements to support discussions with probation about an offender's lifestyle and behaviours The tags will transmit an offender's location 24/7 to a specialist monitoring unit in Manchester and if an offender enters an excluded zone and breaches their conditions, they face being recalled to prison or returned to court.

Also published are the findings of an extensive evaluation following a pilot involving 8 police forces, testing the delivery and usage of the GPS tags. The evaluation found that tags could have a positive impact on compliance, with the tags acting as a constant physical reminder of an offender's licence conditions. One offender who participated in the pilot of the project said: I've walked in an exclusion zone before, not realising… that was before I had the tag on, so I wasn't really bothered about getting seen. Now, with the tag, I knew full well that if I go in to that exclusion zone, I'm going to get seen no matter what. The pilot also found that the impact of enforcing GPS tagging on police was low and that it can potentially save police investigation time by providing vital evidence ruling suspects in and out of crimes. The new location monitoring capabilities will be in addition to the existing curfew tagging provision already in place, which monitors offenders on licence, community sentences and those on court bail. Around 60,000 individuals are subject to these tags each year. These measures build on a package of reforms aimed at reducing reoffending and better protecting victims, with GPS tags strengthening the supervision of offenders, so the courts will have confidence that monitoring will be strict and community sentences will be robust and effective.

Guardian View on Criminal Justice: When Prison Doesn't Work

Guardian Editorial: The overcrowded prisons of England and Wales are in an awful state after eight years of austerity. In this time, five justice secretaries have failed to come to grips with the problem and moved on. Ian Acheson, a former prison governor, has described jails as "dystopian hellholes where it is easier to score your next fix than to get a shower". Nearly 190 kilos of drugs were seized inside prisons in 2017; one in five prisoners tested positive for drugs. The prisons minister, Rory Stewart, has proposed airport-level searches of both body and baggage for anyone entering a prison – officers as well as visitors – to stem the problem in the 10 worst-affected jails. Partly as a result of the availability of drugs, levels of violence inside remain shockingly high. In a prison population of 83,500, there were 32,000 assaults recorded last year, and five murders. Even more aggression is directed inwards: there were 87 suicides and 50,000 incidents of self-harm. Mr Stewart proposed last month that all prison sentences of under three months be abolished. His boss David Gauke, the justice secretary, has gone one better and now proposes to abolish all prison sentences of less than six months, while retaining long sentences for those convicted of violent crimes.

Mr Gauke cites evidence that prison increases the chances of reoffending compared with community sentences. A short sentence, he argues, consumes disproportionate amounts of resources in the initial processing of a prisoner and leaves none over for any kind of meaningful rehabilitation work. In the last five years, almost 50,000 people a year have been sentenced to six months or less and two-thirds of them have gone on to commit a further crime within a year of their release. Much of this offending appears to be thefts and robberies driven by addictions of various sorts. Though Mr Gauke didn't complete the thought, prison is far more likely to aggravate a problem with substance abuse than help to cure it, as the drug

statistics show. His energy and optimism are welcome here. Anything would of course be better than the malign incompetence of his predecessor Chris Grayling, who attempted to privatise much of the probation service with predictably disastrous results. But it is clear that Mr Gauke has tried to think his way through an intractable problem and to come up with solutions that balance the need for punishment with that for rehabilitation.

The punishments he hopes to impose depend on technology, some of which actually exists. He hopes to use a combination of electronic tagging systems, which are to be deployed all around the country this summer, with rather more hypothetical alcohol monitoring systems. Pilot schemes have shown some success with treatments for alcohol abuse: only two-fifths of those treated reoffended in two years. These are potentially humane and effective steps, especially if they were combined with proper social support for offenders. But there's the rub. Mr Grayling's devastation of the probation service and the generally brutal impact of austerity on social services make it look unlikely that such support can be found. Another privatised probation company went bust last week, as the probation inspectorate reported it had been fiddling statistics to meet unrealistic government targets. It is good news that another Conservative minister has realised prison does not often work; but keeping offenders out of prison won't work either, without a government willing and able to resource it properly.

'Broken Trust' - Recall of Women to Prisons

House of Commons: The rising numbers of women recalled to prison" illustrates the fact that the reasons for that are also multifaceted and complex, and the number of women being recalled is rising quickly. Of course, it House of Commons: is right that women are recalled to prison in some instances—if they are at imminent risk of causing harm to the public or of reoffending, for example—but this debate is not about that; it is about the huge increase in the number of women being recalled to prison and whether that increase is helping women to break their cycle of criminality and creating safer communities and opportunities for the women themselves.

The "Broken Trust" report points to a number of reasons for the steep rise in the number of women being recalled. I will cover those in more detail later. I think that it will be useful now to make clear the current situation regarding the recall of women to prison. An individual can be recalled to prison if they have served a sentence of more than a day. A probation officer will normally initiate the recall. About 3,800 women are currently in prison in the UK—we have one of the highest female imprisonment rates in western Europe. The female offender strategy states that about nine in 10 women in prison on remand or serving 12 months or less pose a low or medium risk of serious harm to the public. In the year ending September 2018, there were 1,846 recalls of women to custody while on licence.

One significant contributory factor in the steep rise in the number of such recalls is the Offender Rehabilitation Act 2014—affectionately known as the ORA. It introduced a provision whereby everyone sentenced to a day or more in prison would be supervised by probation services on their release. Before the ORA, those sentenced to a term of imprisonment of less than 12 months were not supervised on release. In 2017, 72% of women sentenced to custody were sentenced to six months or less, compared with 56% of men. That demonstrates how the change brought in under the ORA disproportionately affects women. As the "Broken Trust" report states, on page 3:

"From the moment it was announced that post-custody supervision would be extended to people sentenced to less than 12 months, two things were obvious: this would result in the imprisonment of large numbers of people; and the impact would fall disproportionately upon women." Reforms

that are meant to be supporting individuals are having the opposite effect and keeping them trapped in cycles of the criminal justice system, rather than allowing them to take positive steps in their lives. That is a direct result of the changes brought about under a previous Secretary of State for Justice. Previously, anyone sentenced to a short period in prison served their term and on release that was it. Putting in place a year of additional supervision—in addition to the prison term—with recalls if people fail to comply, is largely responsible for the huge increase in recalls.

HMP Maidstone – Violent Incidents and the Use of Force by Staff Have Increased

HMP Maidstone, holding nearly 600 foreign national prisoners, was found by prison inspectors to be calm and well-ordered but the jail was warned not to be complacent about worrying signs of an increasing drugs problem. Inspectors found that the number of violent incidents and the use of force by staff had increased since the previous inspection but levels were lower than in most similar category C prisons. Peter Clarke, HMCIP said: "In terms of behaviour management, it was good to see what we have recorded as good practice in the use of incentives and earned privileges." However, "I would sound a note of caution about the…impact of illicit drugs. The prison, unlike so many others, had not been destabilised by an influx of drugs, but there were some worrying signs." Positive test rate in random tests of prisoners had risen and now stood at 14.5%. This was too high to be taken lightly. Shortly after this inspection some 15 parcels containing contraband, including drugs, were thrown over the wall into the prison in the space of a single night. Despite the clear indications that drugs were a growing problem, the response to intelligence was poor, with backlogs and suspicion searches not being carried out in a timely fashion or at all. Clearly a need to refocus on the strategy for reducing the supply of illicit drugs, and there is certainly no room at all for complacency."

Inspectors found generally good relationships between staff and prisoners "and a higher than usual proportion of prisoners told us they were treated with respect by staff." However, much of the residential accommodation was old, shabby and in need of refurbishment and the sports hall had been condemned and closed. One of the most serious concerns was the decline in terms of the purposeful activity available to prisoners. Mr Clarke said: "For those in employment the amount of time out of cell was perfectly adequate, but there were only sufficient activity places for around three-quarters of the population. Far too much of the work that was available was mundane and menial, and I was surprised to see large numbers of prisoners in workshops playing games rather than being engaged in work."

In contrast, rehabilitation and release planning had improved since the last inspection, though Mr Clarke added: "Those prisoners who were destined to be held in detention under immigration powers at the conclusion of their sentence should have been told that this was going to happen sooner rather than later, and certainly not left until very close to the time when they anticipated that they would be released."

Patients with long-term health conditions, such as epilepsy and diabetes, did not have personalized care plans in place to inform their on-going care. Not all patients arriving with long-term health conditions received a prompt initial review of this condition, or were prioritized when their clinical history indicated on-going need. There were no regular specialist reviews of men with long-term health conditions such as epilepsy and diabetes.

No systematic management for prisoners with long-term health conditions. Pathway for patients were unclear, and there was little evidence of patients being prioritized based on need. No regular clinical audit schedule for primary health care managers to assess and monitor the quality and safety of services being provided. Review of incidents at a local level and dissemination of learning to staff was not in place. Lack of formal staff meetings in primary care meant that an opportunity to disseminate learning to staff was missed.

Overall, Mr Clarke said: "The prison was completely aware of the distinct needs of their population, although more needed to be done to understand the more negative perceptions of their treatment and conditions held by prisoners with protected characteristics. The establishment also needed support in terms of investment to get the fabric of the buildings back to an acceptable standard and facilities such as the sports hall restored."

Jordan Towers & Anthony Stewart Hawkes Appellants - and - The Queen Respondent

1. On 31 October 2007, in the Crown Court at Newcastle upon Tyne before His Honour Judge Hodson (the Recorder of Newcastle) and a jury, Jordan Towers, Anthony Stewart Hawkes and Dean Curtis were convicted of murder and wounding with intent contrary to s. 18 of the Offences Against the Person Act 1861. As Towers and Hawkes were aged under 18 at the date of the offence, they were sentenced on count 1 to be detained at Her Majesty's pleasure, with a minimum term of 13 years less 185 days spent on remand for Towers and 16 years for Hawkes. Curtis was sentenced to life imprisonment with a minimum term of 17 years less 185 days spent on remand. No separate penalty was imposed for the offence of wounding with intent.

2. Towers sought leave to appeal against conviction on the grounds that the judge's direction in relation to the murder was inadequate and that he wrongly rejected a submission that there was no case to answer in relation to the offence of wounding with intent. These applications were refused both by the single judge and the full court (Latham LJ, Grigson and MacDuff JJ): see [2008] EWCA Crim 2194.

3. By a decision of 3 July 2018, pursuant to s. 9 of the Criminal Appeal Act 1995 ("the 1995 Act"), the Criminal Cases Review Commission ("CCRC") referred to this Court both the murder conviction of Towers (but not that for wounding with intent) on the basis of the change of law brought about by the judgment of the Supreme Court in R v Jogee, Ruddock v The Queen [2016] UKSC 8 ("Jogee") and the clarification given by this Court in R v Johnson [2016] EWCA Crim 1613 ("Johnson"). In addition, the sentence of Hawkes was also referred on the basis that the trial judge failed to give credit for the relevant number of remand days. The latter appeal, requiring the court to give credit for time spent on remand, is unopposed.

4. In addition, having reviewed the papers, Henry Blaxland QC on behalf of Towers seeks leave to appeal against his conviction for both offences on a further ground namely that the judge erred in not giving a specific direction that the jury were not to draw an adverse inference from his decision not to give evidence, pursuant to s. 35 of the Criminal Justice and Public Order Act 1994 ("the 1994 Act"). During the hearing, it was overlooked that, in relation to the offence of wounding with intent, there had been a final determination of this court and no notice specifying that the conviction for this offence was to be treated as referred: see s. 9(4) of the 1995 Act.

Conclusion: 90. In the circumstances, the reference by the CCRC in relation to Towers fails and his appeal against conviction is dismissed. His application for leave to add the further ground advanced by Mr Blaxland also fails. The reference in relation to Hawkes succeeds to the extent that, in the calculation of his minimum term, he is to be given credit for 169 days spent on remand.

91. It is appropriate to conclude this judgment by recognising the debt that we owe to the CCRC. Their consideration of these cases has, as always, been thorough and detailed.

The fact that, following examination with the benefit of submissions on behalf of the Crown, in relation to Towers, it has not prevailed does not diminish the importance of its work either in general or, indeed, in this case.

Hostages: Sally Challen, 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, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, 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 Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.