

Fewer Prisoners Getting Tested Under New Open Prison Rules

Prison Reform Trust: The chief executive of the Parole Board Martin Jones has warned that changes introduced last year by the justice secretary Dominic Raab to the criteria for transfer to open prison conditions will mean fewer prisoners will have the opportunity to be tested under the controlled conditions of an open prison. This, he says, "is likely to inevitably lead to some people being released without this crucial testing, and others staying in custody for longer than might have been necessary for the protection of the public."

Writing in a specially commissioned article on the history of parole in the January 2023 edition of the Prison Reform Trust's Bromley Briefings Prison Factfile, Martin Jones, the chief executive of the Parole Board says: "Release is not the only issue which the board considers. For many years, it has advised the secretary of state on whether a person serving an indeterminate sentence should progress to an open prison. Whilst the final decision rests with the secretary of state, historically those recommendations have almost always been accepted, because the published evidence is strong; when a prisoner is afforded a successful period in open conditions it makes the public safer, and increases the chance that the individual can succeed on release by their gradual reintegration back into society. So, it is hard not to be concerned that since June 2022 the secretary of state has chosen not even to seek the board's advice in a much higher proportion of cases, and his officials have chosen not to take our advice in nearly nine out of every 10 cases where we have recommended a progressive move to open conditions."

The new rules, introduced in June 2022 without consultation with any key stakeholders including the Parole Board, tightened the criteria for transfer from closed to open conditions. In order to gain a transfer to an open prison under the new criteria, a prisoner must be: of low risk of abscond; a period in open conditions must be considered essential for their progression to release; and their transfer must not undermine public confidence in the criminal justice system. The Parole Board can recommend a prisoner for transfer but it is for the Ministry of Justice to decide whether to accept or reject a recommendation. Until the change to Parole Board directions on 6 June, 94% of recommendations by the board that someone should progress to an open prison were accepted by the ministry. Since 6 June, 87% of such recommendations have been rejected.

In his article, Jones mounts a robust defence of the Parole Board and its record, highlighting how in recent years the Board has become more transparent and accountable in its work, including the first ever public parole hearing, which took place last month. Jones also highlights the Board's impressive record on public protection: "The facts demonstrate that the Parole Board is very cautious in its decision making. Only around one in four people considered by the Parole Board each year are released, and we know that the majority of people we release repay that trust in the community. Less than one of every 200 prisoners we release go on to be convicted of a serious offence within three years of their release. We do not have a crystal ball but we do know some facts about how risk changes over time. We also know that the opportunity to test in open conditions, education, employment, accommodation and support in the community are key to a safe and successful release. We should not shy away from telling victims and the public why and how we make our robust decisions."

Elsewhere in his article, Jones charts the gradual evolution of the parole system over the past three decades, which he says was "often precipitated by legislative change and judgments of both the domestic courts and the European Court of Human Rights." "As long ago as 1989, the House of Lords Select Committee on Murder and Life Imprisonment recommended that the decision to release indeterminate prisoners should be an entirely judicial one, "independent of the executive." The Government of the day rejected that argument, and until the 1990s the final decision on the release of those serving life sentences continued to rest with the Home Secretary. However, a series of judgments chipped away at political decision making, with Government and Parliament gradually ceding that the final decision on the release of prisoners should rest with a "court" and that the Parole Board was the right body to perform that function. Having worked on sentencing in that era, I know that not all of these changes were politically welcome, but I think they were right. They removed some of the political sting from high profile release decisions, but fundamentally they meant that decisions had to be based on evidence and the law."

The current justice secretary has said that he wants the Parole Board to adopt a more "pre-cautionary" approach and has promised to legislate to enable him to intervene directly in Parole Board decision-making. Before Easter, it is expected that the government will introduce a victims and parole bill, which will include provision for a new power for the secretary of state to review and refuse a release decision made by the board. The board has previously raised principled and legal objections to the secretary of state being "judge in his own cause" by taking on release decisions in high profile cases. In documents released to the Prison Reform Trust last year under freedom of information, it states its view that Article 5 of the European Convention on Human Rights requires decisions on release to lie with a court or court-like body, and it goes on to explain the basic problem in domestic law of anyone being "judge in their own cause".

Urgent Action Needed to Curb Rise in Prison Deaths Linked to Spice

Ian Sample, Guardian: Researchers have called for urgent action to tackle the crisis in the Prison Service after data showed a rise in deaths among male prisoners linked to synthetic cannabinoids. The team at Middlesex University's Drug and Alcohol Research Centre analysed official investigation reports on the "non-natural" deaths of 129 prisoners in England and Wales between 2015 and 2020. Synthetic cannabinoids, known as "spice" and "black mamba", were implicated in 48% – or nearly half – of the deaths, all but eight of which were in men.

Karen Duke, a professor of criminology who led the study, said the reports by the prison and probation ombudsman highlight a series of failures and shortcomings that raise the risk of drug deaths in prison. Understaffing, cuts to services, and inadequate support for the most vulnerable all contributed to fatalities, the study found. "We were shocked at how many deaths were associated with synthetic cannabinoids. For nearly half of the deaths we analysed, spice was involved," Duke said. "The system is in complete crisis. That's the sense you get from these reports." Synthetic cannabinoids are chemical compounds that mimic the effects of THC, the active ingredient in cannabis. Spice and black mamba are often extremely potent, making them a serious threat to users. Though banned by the Psychoactive Substances Act 2016, misuse has taken off in prisons. The chemicals are often sprayed on to paper which is smuggled in, rolled up and smoked.

Writing in the *Journal of Community Psychology*, Duke and her colleagues describe how various factors played into the drug deaths. Those who died often had a history of mental health issues and addiction, and sometimes stockpiled drugs in order to take higher doses, or took many different drugs at once. The reports show that a failure to spot warning signs, slow emergency responses, high levels of violence and bullying, and a lack of purposeful activities for peo-

ple who could be locked up for 23 hours a day, all played a role. One man who died of synthetic cannabinoid toxicity in 2015 had collapsed three times previously and had been admitted to hospital. Even though he was suspected of taking synthetic cannabinoids shortly before his death, no action was taken. According to Duke, 35% of those who died were jailed for property crime and other non-violent offences, and might have fared better if they had been given community sentences. “There is an urgent need for interventions and resources to address the risks, including expanded substance use and mental health treatment, harm reduction initiatives, wider sentencing reform, and improvements in the prison regime,” she said.

The findings build on recent data from the Office for National Statistics, which suggest that drug deaths in English and Welsh prisons more than quadrupled in the decade to 2019. Between 2017 and 2019, death certificates of 37 prisoners mentioned synthetic cannabinoids, making spice and black mamba the most commonly implicated drugs. The next most cited drugs were opiates, such as heroin, methadone and fentanyl, which appeared on 14 death certificates. Between 2017 and 2019, men were nearly twice as likely to die from drugs in prison than in the wider community, the data suggest. One significant driver of drug use in prisons is the lack of purposeful activity for people who may only be let out of their cell for an hour a day. “It’s the wider context that needs tackling,” said Duke. “The response to this, every time, is to clamp down, to reduce supply. Never do you get a recommendation to look at more employment, education, training and other purposeful activities.”

Texas Death Row Inmates Sue State Over ‘Brutal’ Solitary Conditions

Ed Pilkington, Guardian: A class action suit has been brought on behalf of the 185 male prisoners on death row in Texas, accusing the state of violating the inmates’ constitutional rights by holding them in permanent solitary confinement in some cases for more than 20 years. The state’s prison authorities are alleged to be inflicting “cruel and unusual punishment” on the men in breach of the eighth amendment of the US constitution. The lawsuit describes how the prisoners are held in “devastating conditions” in isolation for up to 23 years without pause, with almost 80% of the death row occupants having been in solitary for more than 10 years. “The conditions on death row in Texas have been characterized as some of the most brutal death row conditions in the country. The plaintiffs are seeking relief from conditions that have been described as torture,” said Pieter Van Tol of the global law firm Hogan Lovells which filed the suit on behalf of the men in a federal court in Houston on Thursday.

Texas is facing mounting challenges to its widespread use of solitary confinement. The state currently houses more than 3,000 prisoners in solitary, and sits at the top of the league table in the US for the number of prisoners it has detained in isolation for more than 10 years (more than 500). Scores of Texas prisoners in general population have entered the third week of a hunger strike protesting against being confined in solitary. They are objecting to being segregated in isolation cells because of alleged association with prison gangs, with no assessment of their risk to themselves or others. The southern state has long been among the most enthusiastic applicants of capital punishment in the US. Since the death penalty was restarted in the modern era in 1976, Texas has executed 575 men and women, according to the Death Penalty Information Center.

The class action suit points out that there is a wealth of scientific literature that shows that solitary confinement can cause serious and sometimes irreparable psychological and physical damage in as little as 15 days. The United Nations has categorized prolonged exposure to the conditions as a form of torture. Yet since 1999 all male condemned prisoners in Texas have been held indefinitely

in isolation at the Allan B Polunsky unit north of Houston which houses death row. “All persons sentenced to death are placed in solitary confinement and must be continuously held in isolation while they await execution,” Hogan Lovells notes. There is no appeal. On average, the lawsuit records, death row prisoners in Texas spend 17 years and seven months alone in their 7ft by 11ft cells until they are judicially killed. They are given nothing to engage their minds, and have inadequate access to medical care and legal counsel, the class action suit alleges. It adds: “These prisoners sleep, eat, and live most of their lives alone in this tiny cell. At a maximum, they leave this cell only once per day when they are moved to individual concrete-and-metal cages and permitted to exercise alone.” Four death row inmates, all of them convicted murderers, have leant their names to the suit as plaintiffs: Tony Egbuna Ford, 49, who has spent 22 years in solitary; Mark Robertson, 54, 21 years in solitary; Rickey Cummings, 33, nine years; and George Curry, 55, seven years. Each of the plaintiffs, the suit says, has experienced the severe impacts of being held for so long in isolation. Symptoms range from nightmares and insomnia to anxiety and panic attacks, aggression and rage, paranoia, mood swings and hallucinations.

Should Victims Prosecute Crimes Against Them?

The Post Office scandal is now seen as a notorious miscarriage of justice. But one aspect of it has been little discussed. That the prosecutor of the alleged crimes was also the victim. The Post Office had an in-house investigation team and used their own people to prosecute those accused of committing crime against the organisation. In this case there was a clear conflict of interest since the real problem – a glitchy IT system – was never investigated because it was easier to blame post masters and post office staff for shortfalls of money.

The Justice Select Committee looked into private prosecutions and decided that the Post Office (and the RSPCA) were special cases and shouldn’t influence policy in general. Maybe. But the Post Office and RSPCA were different from most private prosecutions in one respect. Both organisations had a standing dispensation to charge and prosecute their own cases. Whereas most private prosecutions are launched by a private company or individual who needs to get a judge’s go ahead first.

Transform Justice is particularly concerned by these “semi-private” prosecutions by organisations which have the right to prosecute people but who are not the Crown Prosecution Service (CPS). The majority of criminal prosecutions in this country are by non CPS government approved prosecutors – the police, TV licensing, rail companies, local authorities etc. Their prosecutions go through the single justice procedure, a process which has been proven to ignore the vulnerabilities and equality issues of defendants and in which most defendants do not effectively participate. Leigh Day has recently won a landmark case on behalf of a woman who was prosecuted for not having a valid TV licence. Most of those who are prosecuted for this offence are women because they are at home when the enforcers call.

This case involved Josiane, a single parent who struggled during the pandemic to pay her bills. She was prosecuted for not paying her TV licence but the charity Appeal got involved and the charges were dropped. After being sued by Josiane (with help from Appeal and Leigh Day) for sex discrimination, the BBC paid out £6,500 in compensation. The BBC is currently conducting a gender disparity review to assess whether their prosecutions for non payment of TV licence are biased. But they wouldn’t be doing the review without pressure from Appeal.

When the organisation that is the alleged victim is allowed to prosecute the offence against them, is their judgment clouded? What motivation does the organisation have to critique the way they prosecute? It suits the prosecutors concerned that most people do not plead guilty or not guilty under

the single justice procedure, given those who don't plead are assumed to be guilty, convicted and the prosecutor gets costs. There is no inspectorate for non CPS prosecutions asking awkward questions. And hardly any defence lawyers challenging either, since no legal aid is available for these cases. There is another kind of case where the victim is prosecutor and its even more worrying because the stakes are higher. The police can charge cases themselves where the offence is not the most serious (summary or either-way) and where they predict the defendant will plead guilty. In the case of assaults on police, defendants often do opt to plead guilty because they know they lashed out and there is bodycam footage to prove it. But these defendants may well have admitted the offence without legal advice and not understand they might have a viable legal defence.

The assault of a police officer carries a maximum prison sentence of two years. Should such an offence be charged by police when the victim is a police officer? Can the police really judge the public interest if one of their own was harmed and they have publicly supported harsher sentencing? We wrote to the CPS to set out our concerns about the police charging crimes of which they were the victim. It is of course the judge who sentences, but the police can influence the sentence through their description of the crime and their victim impact statement. In their response the CPS tried to reassure us: "the Police are required to use this [charging] power responsibly and as you know Forces are working hard to recognise and act appropriately in respect of persons with mental health issues". They may be, but police guidance still suggests police should "do their best to support a successful prosecution" and omits any mention of diversion. We are still convinced that a victim (be that an organisation or an individual) should not be able to prosecute a crime against them. And if they are allowed to charge, any conflict of interest should be clear and subject to scrutiny.

'It Never Stops': Killings by US Police Reach Record High in 2022

Sam Levin, Guardian: Police across the country killed an average of more than three people a day, or nearly 100 people every month last year according to Mapping Police Violence. The non-profit research group maintains a database of reported deaths at the hands of law enforcement, including people fatally shot, beaten, restrained and Tasered. The preliminary 2022 total – a possible undercount as more cases are catalogued – marks 31 additional fatalities than the year before. In 2021, police killed 1,145 people; 1,152 in 2020; 1,097 in 2019; 1,140 in 2018; and 1,089 in 2017. The earliest data goes back to 2013, when journalists and racial justice advocates began counting these fatal incidents on a national basis. A database run by the Washington Post, which tracks fatal shootings by police, also shows 2022 as a year with record killings. The data release comes two years after the murder of George Floyd sparked national uprisings calling for racial justice, police accountability and reductions in the funding and size of police forces. Despite the international attention and some local efforts to curb police brutality, there has been an intensifying backlash to criminal justice reform, and the overall number of killings has remained alarmingly high.

"It just never stops," said Bianca Austin, aunt of Breonna Taylor, whose March 2020 killing in Kentucky sparked mass protests. "There was a movement and uproar across the globe, and we're still having more killings? What are we doing wrong? It's so disheartening." Behind the numbers: 'Routine encounters' While the numbers have crept up, the circumstances that precede the killings have remained consistent. In 2022, 132 killings (11%) were cases in which no offense was alleged; 104 cases (9%) were mental health or welfare checks; 98 (8%) involved traffic violations; and 207 (18%) involved other allegations of nonviolent offenses. There were also 93 cases (8%) involving claims of a domestic disturbance and 128 (11%) where the person was allegedly seen with a weapon. Only 370 (31%) involved a potentially more serious situa-

tion, with an alleged violent crime. "These are routine police encounters that escalate to a killing," said Samuel Sinyangwe, a data scientist and policy analyst who founded Mapping Police Violence and provided 2022 data to the Guardian. "The reduction in the conversation around police violence does not mean that this issue is going away. What's clear is that it's continuing to get worse, and that it's deeply systemic." What's more, in 32% of cases last year, the person was fleeing before they were killed, generally running or driving off – cases in which experts say lethal force is unwarranted and also endangers the public. In June, Ohio police officers fired dozens of rounds at Jayland Walker, who was unarmed and fleeing; a month later, an officer in California exited an unmarked car and immediately fired at Robert Adams as he ran in the opposite direction.

The racial disparities have also persisted: Black people were 24% of those killed last year, while making up only 13% of the population. From 2013 to 2022, Black residents were three times more likely to be killed by US police than white people. The inequality is particularly severe in some cities, including Minneapolis where police have killed Black residents at a rate 28 times higher than white residents, and Chicago, where the rate was 25 times higher, Mapping Police Violence reported. "Police's ability to be judge, jury and executioner has been taken to another level. No matter how much we insist that it's wrong, society allows it to take place," said Jacob Blake Sr, whose son was shot by Kenosha police and left paralyzed in 2020. Blake Sr and Austin run a group called Families United that assists people whose loved ones have been killed by police.

Sinyangwe also found that there had been a notable uptick in killings by sheriff's departments, which are generally county agencies run by an elected leader. In 2022, sheriffs were involved in 416 killings, higher than the share in 2013, which was 277 cases. It's unclear what's driving that increase, though Sinyangwe said there had been growing partnerships between sheriffs and other agencies, with deputies executing search warrants or doing chases that can result in death. Sheriffs' offices are also particularly politicized during elections, which could contribute to the problem, he said: "There are campaigns, in which there's a race to the bottom to compete to be more 'tough on crime'. And the result is more violent sheriff's departments."

Review: Fighting for Freedom - Predominantly a Story About Survival and Solidarity

Nicki Jameson FRFI: Mohammed Riaz was a 21-year-old student in Leicester in 1983 when he was caught up in a plot to kidnap an Indian diplomat to demand the freedom of Maqbool Ahmad Butt, a leading Kashmiri freedom fighter who was on death row. Riaz' family had migrated to England from Kashmir and he was supportive but not really active in the struggle for Kashmiri liberation. The kidnap did not go to plan and the diplomat was killed. The main protagonists managed to leave the country, leaving Riaz and some other minor players to face trial for murder. Sentenced to life imprisonment, he served 20 years before being released in 2004. Mo's account of his time in prison is a fascinating read; however the old adage 'don't judge a book by its cover' is never truer. Having written this book ten years ago, and failed to find a publisher, Riaz' autobiography has now been produced by a company which mainly puts out sensationalised 'true crime' books. What was originally called 'Fighting for Freedom' is somewhat misleadingly retitled, (*20 Years for Murder of an Indian Diplomat: In Prison with Serial Killers, The IRA, London Gangsters, Charles Bronson, The Krays and Ian "Blink"*) while the cover features a photo of the author flanked by London gangster Reggie Kray and 'celebrity prisoner' Charles Bronson, despite these two appearing only fleetingly in the book.

Riaz is a talented writer and combines gripping narrative with relevant political lessons about the history of British imperialism in Kashmir, the iniquities of the life sentence as a punishment and the importance of solidarity in the prison system. He vividly describes the high security

prison system of the 1980s and '90s, when the previous pecking order in which 'the prison warders ran the prisons, through the London gangsters' was superseded by the arrival of Irish POWs. Mo was in touch with Fight Racism! Fight Imperialism! through much of his sentence and there are many characters in the book who longstanding readers will recognise. Alongside the Irish and Palestinian liberation fighters, and the sole survivor of the 1980 Iranian embassy siege, there are a number of highly politicised prisoners convicted of non-political offences. Early in the book, Riaz describes how, despite being in prison for politically motivated reasons 'before I met John Bowden, I knew little of prison politics and left-wing politics, but he gave me some books [including] Soledad Brother by George Jackson [and] I soon came to realise that prison was not just a social institution but a political one.' Later on he describes how, during a protest in Gartree prison in 1990: 'The left-wing prisoners [who] were the linkmen for the guys on the roof... called their cells "The Kremlin" and had a notice on their doors to that effect.'

Life sentences in Britain consist of a minimum term or 'tariff' of a number of years which must be served in prison, plus a licence period lasting the whole of the convicted person's life, meaning they can be returned to prison for breaching it. Since 2005 the minimum term is set by the sentencing judge, but at the time Riaz was convicted, tariffs were set by a three-stage process involving the views of the judge, Lord Chief Justice and finally the Home Secretary. Until 1994 this process was shrouded in secrecy, with prisoners not knowing how long they must minimally stay in prison. Riaz had been behind bars for over a decade when he first discovered that the judge had recommended he serve a minimum of ten years – a low tariff in recognition of his minor and peripheral role in the murder. The Lord Chief Justice had increased this to 16 and the Home Secretary, Leon Brittan, doubled the initial recommendation to 20 years. Following a legal challenge in 1995, this was reviewed, only to be reset at the same 20 years by another Tory Home Secretary, Michael Howard. Those 20 years clearly took their toll and the book does not shy away from describing beatings, drug addiction, destruction of relationships and the everyday grind of prison life in a brutal system, which at some points the author wonders if he will come through alive. This is, however, predominantly a story about survival and solidarity.

Government Female Offender Strategy Delivery Plan

The Government are today Tuesday 31st Jaury 2023, publishing our "Female Offender Strategy Delivery Plan". The delivery plan sets out how the Government will deliver four overarching priorities to improve outcomes for women in, or at risk of contact with, the criminal justice system over the period 2022 to 2025: *Fewer women entering the justice system and reoffending; Fewer women serving short custodial sentences with a greater proportion managed successfully in the community; Better conditions that support rehabilitation for women in custody; and Protecting the public through better outcomes for women on release.*

The delivery plan includes specific and measurable commitments aimed at reducing women's offending and reoffending, in turn making communities safer for the public. We will publish a "one year on" progress report on implementation of our delivery plan. Effective community support is essential for women in, or at risk of contact with, the justice system, and the Government recognise the vital role played by the women's community sector in supporting vulnerable women and helping to reduce their reoffending. On 1 September we announced that up to £24 million will be invested in women's community services until 2025, through multi-year grant competitions. These grants will allow us to improve the sustainability of women's services by meeting organisations' core costs such as rent and utility bills, to improve the join up of local services, and

to test and build our evidence base by investing in new or additional services or interventions. Toggle showing location of Column 12WS The Government recognise that community sentences also play an important role in supporting women with complex needs, which often underlie their offending behaviour. While women who commit the most serious crimes will always be sent to prison, custody should be a last resort. A robust and effective community sentence delivers benefits to wider society as well as the individual. An effective community sentence means women will be less likely to lose their accommodation and employment, making it less likely that they will have to call on statutory services. An effective community sentence will enable them to receive targeted support to address their individual needs, reducing the likelihood of reoffending. Targeted community sentences can help to limit the disruption to women's families, particularly their children, in turn helping to address the cycle of intergenerational offending. We are working with courts to raise awareness and increase understanding of the specific issues faced by women who offend, including piloting a women-specific problem-solving court.

Although the number of women in custody reduced by 24% between 2011 and 2021, we are committed to improving conditions for those women who do need to be in custody. We will be funding measures such as family engagement workers, additional support for women in their early days in custody and a social workers pilot with up to £14 million between 2022 and 2025 to improve outcomes, including reducing self-harm. The delivery plan will also highlight wider Government work on reducing reoffending through effective resettlement by focusing on what we know works: a home, a job and access to treatment for substance misuse, focusing on the particular issues that women face when seeking to address the causes of their offending. Alongside this delivery plan, we are publishing two related progress reports on the Farmer review for women and on the national "Concordat on Women in or at risk of contact with the Criminal Justice System". Outstanding commitments from both the Farmer review and the concordat will be taken forward under this delivery plan.

Regina V Sinead Clarke

1. The defendant is charged with possession of articles likely to be of use to terrorists, contrary to section 58(1)(b) of the Terrorism Act 2000.
2. The information contained within the articles being personal details such as names and addresses of nine persons together with information alleging involvement in the illegal supply of drugs and anti-social behaviour contained on seven notes which are exhibits JM1 - JM7 inclusive.
3. To prove its' case the prosecution must prove the following elements of the offence as per Blackstone [2023] D10.69 - 10.70 citing R v G [2009] UKHL 13, [2010] 1 AC 43 (a) That the defendant had control of a record containing information that was likely to provide practical assistance to a person committing or preparing an act of terrorism. (b) That the defendant was aware of having the record (c) That the defendant knew the kind of information which it contained, although it does not have to prove that the defendant knew everything that was in the document or record.
4. In the present case, it is accepted by the defence that the prosecution has proven the stated elements beyond reasonable doubt and that the only issue at trial is whether the defendant can establish the statutory defence under s.58(3) of the Terrorism Act 2000 that she had "a reasonable excuse for her action or possession."
5. It is common case that the defence having been raised it is for the prosecution to rebut it to the criminal standard, that is prove beyond reasonable doubt that the defence was not satisfied, and that consequently the defendant should be convicted of the stated offence. If the defence is not rebutted to the required standard, then the defendant is entitled to be acquitted of the charge.

Conclusions 63. Given the nature of her employment had the defendant taken the post-its to her office and left them there, regardless of whether she then followed up on them, it is hard to see any basis upon which she would have faced prosecution. On the other hand, by keeping them in her home she opened herself up to the accusation that she had them for an illegal purpose.

64. Of course, she could so easily have avoided all that has befallen her had she simply told police during interview what she subsequently relied on in court. She accepts that her failure to do so was a mistake. She also admits that she acted unprofessionally by not carrying out her responsibility to those named on the individual notes to warn them as to the threats posed by dissident republicans.

65. By way of mitigation, she pleads family pressures and health concerns, which led her to not giving priority to pursuing Jeff Maxwell with details of the referrals. In the final analysis, Mr Toal asks this Court not to elevate what were in essence errors and failings beyond the mistakes they are to criminal culpability.

66. I have considered all aspects of the evidence and weighed the competing arguments ably advanced by both counsel. The defence under s. 58(3) has been raised and this has been robustly challenged by the prosecution. Nevertheless, I am not satisfied that they have succeeded in rebutting this to the required criminal standard. In these circumstances the defendant is entitled to be acquitted of the charge and I so order.

Rocchia v. France - Courts Refusal to Hear Appeal Violation of Article 6

The applicant, Patricia Rocchia, is a French national who was born in 1961 and lives in Antibes. Her husband lodged an appeal on her behalf against a two-year prison sentence that had been imposed on her. However, this appeal was declared inadmissible on the grounds that he had not submitted a special authority to act, although it was clear from the information on the notice of appeal that he had power of attorney. Relying on Article 6 § 1 (right to a fair hearing), the applicant submits that the refusal to declare her appeal admissible amounted to a disproportionate interference with her right of access to a court, and complains of excessive formalism. ECtHR Decision Violation of Article 6 § 1

Letter from Keith Rose

Just to keep you all up to date. My parole hearing last August was deferred as my last psychology report was four years old. So a new one was insisted on, the ninth, which says exactly the same as the previous eight, low to moderate risk. The judge at the August hearing ordered a fresh hearing to take place in January, just gone. Have just received the date for this hearing, will now take place in April! Query, lack of approved premises across the Westcountry? There seem to be a number closed or not taking people for overnight resettlement, no one knows why. Ask HMP what's up, they have heard nothing, and know nothing, do any of you know different.

Keith Rose, A7780AG, HMP Leyhill, Torworth Road, Wotton-Under-Edge, GL12 8BT

Prisoners' Mental and Physical Health at 'Historically Low Levels'

Jon Robins, Justice Gap: Prisoners' mental and physical health are at 'historically low levels' following Covid, according to a new study into the welfare of prisoners which reports 'near record levels' of self harm with almost 700 incidents for every thousand prisoners. The charity Pact (Prison Advice and Care Trust) interviewed 33 families caught up in the criminal justice system and argues that greater involvement in prisoners' healthcare would 'reduce deaths in custody, relieve pressure on the NHS and the criminal justice system, and cut crime'. The report (Nobody's Listening) argues that families are too often 'locked out' of the system despite over-

whelming evidence the extent of the health problems facing prisoners – for example, half of prisoners, and three in five female prisoners, have mental health problems and rates of self-harm are close to an all time high (684 incidents per 1,000 prisoners).

The report flagged research suggesting that people in custody have 'a physical health status' ten years older than people at liberty and a life expectancy 20 years younger than the general population. Andy Keen-Downs, Pact CEO, said that all the research and guidance stressed 'the crucial role that families have in caring for loved-ones who are ill'. 'But all too often guidance about family involvement is simply not put into practice, leaving family members locked out, prisoners struggling and a healthcare system under pressure. Ensuring that prisoners get access to the right healthcare isn't just about doing the right thing – it creates safer prison regimes, reduces reoffending and relieves pressure on the NHS.' 'In the 12 months to December 2021 the highest ever annual number of deaths in custody was recorded – 371, more than one death a day,' it continued. 'Of these deaths, 250 were classed as "natural causes" – an increase of 13% from the previous 12 months. The Independent Advisory Committee into Deaths in Custody suggest that 'many of these deaths are preventable'. According to the study, the number of prisoners aged over 60 has more than tripled in the last 20 years and the deaths of prisoners over-50 account for more than half of the deaths in custody. The report quoted the Royal College of Psychiatrists which reckoned around 10% of the prison population – about 8,000 people a year – should not be in prison in the first place and should have instead been diverted into mental health treatment.

Black Women 'Disproportionately' Detained Under the Mental Health Act

Emma Guy, Each Other: Black women are more likely than people from any white background to be detained under the Mental Health Act (MHA). Black people are four times as likely to be detained under the MHA and over 11 times more likely to be given a Community Treatment Order (CTO). Meanwhile, a previous investigation by EachOther and openDemocracy revealed that women are disproportionately detained under the Act. A CTO is made by a clinician to give supervised treatment in the community. This means people can be treated in the community for mental health problem, instead of going to hospital. A CTO lasts for six months from the date of the order. But it can be renewed. Some minorities are also more likely to spend longer in detention, experience multiple detentions, and be detained through contact with emergency departments or the criminal justice system. Calls have been made to scrap most CTOs due to them being too restrictive and their disproportionate use. Mind, a mental health charity, also backed the Joint Committee on the Draft Mental Health Bill's proposal to monitor CTOs but said it would "carry on pushing for this to also apply for the criminal justice system". Inequalities have not been addressed since 2018

On the 19 January 2023 the Joint Committee on the Draft Mental Health Bill has now published its report on the Bill. The Joint Committee on the Draft Mental Health Bill said: "Data shows that the racial and ethnic inequalities that the independent review was set up to tackle have not improved since the review was commissioned. This is unacceptable. We recommend that all health organisations be required to appoint a responsible person to collect and publish data on, and oversee policies to address, racial and ethnic inequalities." The number of people held under Section 2 of the MHA, which permits involuntary detention in hospital for up to 28 days, rose by 25% during the first Covid-19 lockdown, according to data obtained by EachOther and OpenDemocracy in 2021. The joint investigation revealed wide-ranging FOI results from 44 of the 53 NHS England trusts also revealed that the rate of mental health detentions rose by more than a quarter in four trusts during Covid-19 restrictions.

HMP/YOI Eastwood Park – Women in Crisis Held In Appalling Conditions

Acutely mentally unwell women were being held in cells with scratches and bloodstains on the wall, evidence of previous occupants' distress, an inspection report into HMP/YOI Eastwood Park has found. The treatment and conditions in houseblock 4, which held those under supervision, in segregation, or awaiting transfer to a secure mental health facility, were described by one experienced inspector as the worst he had ever seen. Eastwood Park held 348 women at the time of the inspection, 83% of whom reported having mental health problems. Self-harm was very high, but case management documents to support those at risk of self-harm and suicide were poor. Use of force had increased by around 75% since the last inspection and was often used to stop women hurting themselves. The prison received the lowest grade for safety, which is unusual in the women's estate.

Charlie Taylor, Chief Inspector of Prisons, said: "Some of the most vulnerable women across the prison estate were held in an environment wholly unsuitable for their therapeutic needs. The levels of distress we observed were appalling. No prisoner should be held in such terrible conditions. The prison was fundamentally unequipped to support the women in its care, and leaders did not seem fully aware of the severity of the situation. I was deeply concerned about the welfare of the staff who worked on unit 4; they were dedicated and courageous but were not adequately trained or qualified to support the women on the unit. They received no clinical supervision, despite being exposed to prisoners in great distress, some of whose levels of self-harm were extreme. Specialist input from others had dropped off over time and the therapeutic ethos had simply disappeared."

Staff shortages were severely impacting the delivery of the day-to-day regime, and women were often unable to attend education, skills and work activities because of the lack of staff to get them there. Inspectors were concerned that women were not reliably being provided with positive social and recreational time to support their mental well-being. There were some pockets of excellent work at Eastwood Park, such as the Nexus unit, which offered specialist support for women with personality disorders. But the jail was failing in its most basic duty – to keep the women safe – and immediate and meaningful change is required to ensure that these very vulnerable individuals are suitably cared for.

Commenting on the Findings Peter Dawson, Director of the Prison Reform Trust said: "One fact from this distressing report leaps out from the page – 83% of the women locked up in this prison built for young men had mental health problems, all against a pervasive background of homelessness and substance misuse. The chief inspector can only report about the terrible conditions some of them were experiencing in an understaffed prison. But there must surely be a question for the government about why we continue to allow prison to be the place where all these problems have to be addressed. The money that the government is making available for better community services is welcome, but dwarfed by what it plans to spend building an additional 500 prison places for women. That's not just a foolish way to spend public money, but a cruelty to the women the system will continue to fail."

Texas Prisoners Hunger Strike In Protest Against Solitary Confinement

Inmates across the Texas prison system have been refusing food since 10 January in an organized outcry against being held in isolation in some cases for decades. Estimates of the numbers of prisoners involved differ. The Texas department of criminal justice (TDCJ) puts it at 72, but outside advocates liaising with the strikers say it is at least 138. In Texas, solitary confinement is used as a means of control designed largely to prevent violence between prisoners. The idea is to segregate those involved in prison gangs, or "security threat groups" as they are called, which include the white supremacist Aryan Brotherhood and the Mexican mafia. Inmates are assessed for signs of gang

membership such as tattoos and other indicators, and if they are labelled with a gang status are then placed alone in a cell indefinitely, regardless of any behavioral violations or wrongdoing. The indeterminate length of a solitary term in Texas has made the state a national leader in the use of this extreme form of lock-up over prolonged periods.

The state currently has more than 3,000 inmates in "restrictive housing", as solitary is known. Of those, more than 500 have been isolated for at least 10 years and 138 for at least 20 years. Brittany Robertson, an outside representative for the hunger strikers, told the Guardian that conditions in the solitary cell were brutal. "Most units don't allow calls, no contact visits, no oversight or effective grievance process. Mail is delayed up to a month, there are staffing shortages and with no security checks there are a lot of suicides."

A class action suit has been brought on behalf of the 185 male prisoners on death row in Texas, accusing the state of violating the inmates' constitutional rights by holding them in permanent solitary confinement in some cases for more than 20 years. The state's prison authorities are alleged to be inflicting "cruel and unusual punishment" on the men in breach of the eighth amendment of the US constitution. The lawsuit describes how the prisoners are held in "devastating conditions" in isolation for up to 23 years without pause, with almost 80% of the death row occupants having been in solitary for more than 10 years. The conditions on death row in Texas have been characterized as some of the most brutal death row conditions in the country. The plaintiffs are seeking relief from conditions that have been described as torture.

Deporting Foreign National Offenders at Conclusion of Their Custodial Sentences

Our priority will always be to keep the British public safe. That is why foreign nationals who abuse our hospitality by committing crimes should be in no doubt of our determination to deport them and more than 12,200 have been removed since January 2019. We make every effort to ensure that a foreign national offender's removal by deportation coincides, as far as possible, with their release from prison on completion of sentence, however we can face significant and complex challenges when seeking to deport them to their country of origin. That is why the Nationality and Borders Act makes provisions to streamline the appeals process by introducing an expanded one stop process aimed at reducing the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action. The Act makes it easier and quicker to remove FNOs and those with no right to be in the UK, it extends the period an FNO can be removed from prison under the early removal scheme (ERS) from a maximum of 9 months to 12 months, providing the minimum requisite period has been served. We remain resolute in our commitment to deport those who would abuse our hospitality. Lord Murray of Blidworth

Prisoners Set to be Held in Police Cells Due to Overcrowding

Prisoners are set to be held in police cells within weeks, as plans to cut jail overcrowding were put into action. Last year the government announced it had asked to use 400 cells, following a surge in overcrowding in male prisons and youth jails. The Ministry of Justice (MoJ) has given the National Police Chiefs' Council) 14 days to make cells in the north of England and West Midlands available. Neither body would confirm how many had been requested. An MoJ spokesman said: "We have given notice to the National Police Chiefs' Council to make available cells in police custody suites in the north of England and West Midlands as planned under Operation Safeguard. An extra 20,000 prison places are being built, with the newest jail set to open in the spring, the spokesman.