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Women in Prison: 2023: A Year of Resilience and Transformative Progress

Sonya Ruparel CEO, Women in Prison: 2023 has been a year of both great resilience and transformative progress for Women in Prison (WIP) and the women we support. In the face of challenges – the cost-of-living crisis, ongoing pandemic recovery, and a "tough on crime" environment – we remain as strong and dedicated as ever to changing oppressive systems and providing holistic support for women affected by the criminal justice system. But the realities for the women we serve are stark. Many experience a web of challenges that can be related to mental wellbeing, homelessness, domestic violence and abuse, and we've seen a deeply concerning and dramatic increase in self-harm this year – demonstrating that prisons are failing to keep women safe. For these reasons and more, our team and collaborators are resolute in our commitment to supporting women and advocating for change in a system that causes so much harm. We are proud to have maintained vital services for women, their families, and communities. and continued to platform women's voices to influence much-needed change. Some of our results include: 1,382 women supported both in prisons and the community through WIP programmes. 1,163 women newly referred to WIP programmes. 850 women accessed 3,414 support and advice sessions. 345 women were referred to other support services, most commonly to foodbanks. We promoted social inclusion for women through 197 drop-in/Probation hub sessions and 150 workshop sessions. WIP took on the Secretariat role for the All-Party Parliamentary Group for Women in Contact with the Justice System. Published Still I Rise magazine, with women in the criminal justice system taking on production of an issue focused on recovery from addiction. Won a Charity Governance Award 2023 for Board Equity, Diversity and Inclusion.

This year saw us work together to update our Vision, Purpose and Values, which align with the organisation we are today. Our vision, purpose and values are the result of a deep and wide collaborative consultation, and we are so proud of the outcome. Thank you to all who contributed! Finally, I want to extend my sincere and heartfelt gratitude to you. Women in Prison's work is not possible without every single supporter, partner, team member, and ally. Without you, the women we work with would not have access to the necessary holistic support WIP provides, nor could we continue to challenge oppressive systems that harm women and their families through our influencing work. We are optimistic for the future, and particularly what 2024 will bring. Thank you for your continued support. I will leave you with a quote from one woman worked with this year, which speaks to the results she was able to achieve by accessing WIP's support. *"Thank you for absolutely everything. I've made so much progress and wouldn't be where I am now [without you]."*

Glynn Simmons: Longest-Imprisoned US Inmate Exonerated 48 Years On

Madeline Halpert, BBC News: An Oklahoma judge has exonerated a man who was in prison for almost half a century for a 1974 murder, the longest wrongful sentence to be served in the US. Glynn Simmons, 70, was freed in July when a judge ordered a new trial. But a county district attorney said on Monday there was not enough evidence to warrant one. In an order on Tuesday, Oklahoma County District Judge Amy Palumbo declared Mr Simmons innocent. "This court finds by clear and convincing evidence that the offence for which Mr Simmons was convicted, sentenced and imprisoned... was not committed by Mr Simmons," she said in a ruling. It's a lesson in resilience and tenacity," Mr Simmons told reporters after the decision, according to the Associated Press. "Don't let nobody tell you that it can't happen, because it really can."

Mr Simmons had served 48 years, one month and 18 days in prison (released on parole in 2008.) for the murder of Carolyn Sue Rogers during a liquor store robbery in an Oklahoma City suburb. That makes him the longest-serving inmate to be cleared, according to the National Registry of Exonerations. Mr Simmons was 22 years old when he and a co-defendant, Don Roberts, were convicted and sentenced to death in 1975. The punishments were later reduced to life in prison because of US Supreme Court rulings on the death penalty.

Mr Simmons had said he was in his home state of Louisiana at the time of the murder. A district court vacated his sentence in July after finding that prosecutors had not turned over all evidence to defence lawyers, including that a witness had identified other suspects. Mr Simmons and Mr Roberts were convicted in part because of testimony from a teenager who had been shot in the back of the head. The teenager pointed to several other men during police line-ups. Wrongfully convicted people who serve time in Oklahoma are eligible for up to $175,000 (£138,000) in compensation. Mr Simmons is currently battling liver cancer, according to his GoFundMe, which has raised thousands of dollars to help support his living costs and chemotherapy.

Conspiracy to Murder Acquittal Following Judge's Ruling of 'No Case To Answer'

AA stood trial for Conspiracy to Murder and Possession of a firearm and ammunition with intent to endanger life at the Central Criminal Court. The Crown alleged that AA, together with others, plotted to kill, acting as a 'spotter' during a street party in Acton, identifying the victim before he was chased down by a shooter using a handgun. Following extensive cross-examination of the Officer in the Case, highlighting failures of the investigation, and deploying 'unused' CCTV footage which demonstrated the involvement of the shooter in a fight earlier in the evening, Philippa and Laura argued that there was 'no case to answer'. The judge accepted the submissions and ruled that no reasonable jury could exclude AA's innocent explanation for being in the area shortly before the shooting. Not Guilty verdicts were entered.

Police Use of Belt Over Exeter Man's Face May Have Contributed to Death

Steven Morris, Guardian: Thomas Orchard died a week after a mental health crisis in which police put an 'emergency response belt' over his face. Prolonged use of a heavy webbing belt by police over the face of a vulnerable man during a mental health crisis may have contributed to his death, an inquest jury has concluded. The way officers used the belt on church caretaker Thomas Orchard would have hampered his ability to breathe and increased his stress levels, the jury said. Orchard, 32, who had paranoid schizophrenia, was arrested after a disturbance in Exeter in October 2012 and taken to the city's Heavitree Road police station. The officers used an "emergency response belt" (ERB), which had been designed as a limb restraint, as a "spit and bite hood" on him. He suffered a cardiac arrest and a brain injury before dying a week later.

During a six-week inquest in Exeter, Devon and Cornwall police conceded a series of failings in relation to the ERB. The force accepted there was a failure to "identify the risk of the ERB impacting upon the breathing when used as a spit or bite hood and that training around it was inadequate". Devon and Cornwall's acting chief constable, Jim Colwell, offered "an unreserved apology" for the failings it had admitted in court. He said: "Since Thomas's death the force has implemented a significant amount of learning and improvement, specifically in relation to mental health awareness training

for staff, use of force training and ensuring our custody provision offers the required level of care needed by those we come into contact with, particularly the most vulnerable. The inquest has been an important and long awaited process for Thomas's family and others. My thoughts are with the family and also a number of colleagues who have had this matter at the forefront of their lives for over 11 years."

The jury considered the use of the ERB was reasonable to stop Orchard biting or spitting but its prolonged use may have contributed to his death. It said the police's admitted failings may also have contributed. Orchard's family have described him as a sensitive, free-spirited man and argued he was badly let down by the police, claiming officers should have treated his case as a medical emergency rather than a criminal incident. At the 2017 trial of a police sergeant and two detention officers for Orchard's manslaughter, prosecutors said the ERB was wrapped tightly around his face when he was carried in a prone position and then placed face down in a cell, restricting his ability to breathe. The three were cleared of manslaughter. In 2019 Devon and Cornwall police was fined £234,500 after admitting breaching health and safety laws but has never accepted that the use of the belt directly led to Orchard's death.

Speaking outside court, Orchard's younger brother, Jack, said: "He should not have been arrested. He should have been taken to a place of safety. He was vulnerable and very very unwell. There was no attempt to talk to Thomas before they arrested him." His mother, Alison, said: "He was a very quiet and gentle person and the police tried to demonise him, portraying him as angry, violent and hostile." Orchard's older sister, Jo, said putting the ERB around her brother's head must have been terrifying for him. The family were frustrated that the coroner ruled the jury could not come to an unlawful killing conclusion or that the ERB played a probable role in his death.

Surveillance Britain: Police Quietly Trying to Access 50m Photos for One Mass Lineup

Katy Watts, Guardian: When you send off your details and photo to the Driver and Vehicle Licensing Agency (DVLA) for your first driving licence, you're probably thinking about being able to do things like taking friends on a road trip, dropping the kids off to school or helping elderly relatives get around. Few of us, I imagine, are willingly signing up to join a massive police lineup. But that's what new powers that the government is trying to sneak through in the new criminal justice bill mean. The measures – not referred to explicitly in the bill – will allow the police to run facial recognition searches on a database containing 50 million UK driving licence holders, to compare the biometric data contained in their photographs with images captured by CCTV or on social media. This new sweeping power should worry anyone who cares about the fundamental rights to privacy and free expression.

Police forces across England and Wales have been using facial recognition technology for a number of years now – mainly through the use of live facial recognition deployments, which scan crowds at concerts or on busy shopping streets to capture the data of anyone walking past. This is a deeply intrusive and disproportionate use of tech – and when it was first being deployed, Liberty challenged it through the courts. In 2020, our client Ed Bridges won the world's first legal challenge against South Wales police's use of live facial recognition, with the judges ruling that SWP's use of the tech breached privacy rights, data protection laws and equality laws. Unfortunately, that ruling hasn't stopped police forces rolling out the tech further – and in recent months we have seen a rapid and worrying expansion in the use of facial recognition, urged on by politicians. Despite denying it, every single police force in the country is using some form of facial recognition, and this year alone it's been used at protests, Premier League football matches, Christmas markets – and even at a Beyoncé concert.

Earlier this year, when media stories began appearing about a rise in shoplifting, instead of dealing with the root causes of poverty or offering support to struggling families, ministers launched Project Pegasus – a scheme whereby 10 of the country's biggest retailers will hand over their CCTV images to the police, to be run through police databases using facial recognition technology. In October, policing minister Chris Philp announced plans for police to trawl a number of databases, including the immigration and passport databases, for use in facial recognition searches. And now an opaquely worded clause that was hidden away in a larger piece of legislation is handing the police access to drivers' sensitive details, too.

Let's be clear: this expansion of state surveillance is a shocking breach of our rights, and we should not be allowing it to pass quietly into law. The ability to identify and track people makes facial recognition a highly intimidating mass surveillance tool – particularly when seen in the twin contexts of this government's clampdown on dissent, and the historically low levels of public trust in the police. History tells us that technology of this kind will always be used to monitor and harass minority groups, particularly people of colour, and to surveil those involved in protest movements – handing yet more tools to the police will only put more people at risk of harm.

We know that unnecessary and unfair surveillance doesn't keep our society safe. Time and time again, this government has handed more powers to the police, including surveillance powers, in response to social issues and dissent – rather than dealing with the root causes or listening to the public's concerns. Instead of keeping us safe, spy tech used on the population undermines the rights and freedoms that protect us from state control and discrimination. And we know that once the government takes away our rights and freedoms – often in times of crisis – we rarely get them back. This latest intrusion must be roundly rejected – ministers must remove these powers from the bill, and instead ban the use of facial recognition technology, so that our personal data stays our own.

Investigation Into Near-Fatal Force Used by Police Firearms Officer Was Unlawful

On Wednesday 20th December, Ritchie J handed down judgment in R (Dunne) V IOPC & Officer tp7 [2023] ewhc 3300 (admin), a judicial review claim arising from the use of near-fatal force against francis dunne by TP7 (a police firearms officer). he found that the investigation breached articles 2 (the right to life) and 3 (prohibition from torture, inhuman or degrading treatment) of the european convention of human rights.

Francis was left with a permanent, incapacitating brain injury after being deliberately struck to the head with the muzzle of TP7's firearm on 10 May 2021. Body Worn Video (BWV) footage shows the strike to the head. Francis was also struck repeatedly by TP7 and other officers, as well as being tasered. The use of force took place after Francis ran away from officers seeking to apprehend him. Francis had no firearm or other weapon on him, or in his car.

The IOPC investigated a number of complaints made by our clients, Francis' family. The investigation was not subject to special procedures (the IOPC insisting there was no indication that a criminal offence or misconduct may have been committed), no disclosure was provided during the investigation (including of the BWV, which our clients asked to see when they first met with the IOPC in July 2021), TP7 and other officers were not interviewed, and only uninformative updates were provided to our clients during the investigation. At the conclusion of the investigation, the IOPC did not provide their report to our clients prior to decisions being made on possible criminal prosecution and/or misconduct proceedings (the decisions were negative on all fronts), and the IOPC published only an anonymised, one page summary of the investigation on its website. When their energies were being taken up with the daily

care Francis required as a result of his injuries, the inability to effectively participate in the IOPC's investigation along with the lack of answers to why their loved one was even in this position was incredibly distressing for his family.

Our clients – Francis, acting through his mother and litigation friend; and his mother – challenged the IOPC's investigation and decisions. They argued that it breached the procedural duties under Articles 2 and 3 ECHR in numerous respects, including because: The family were not provided with sufficient disclosure to enable them to effectively participate in the investigation, including by making informed representations; The investigation was inadequate, including because relevant officers were not interviewed; The report should have been disclosed to the family before the IOPC made its decisions; The analysis in the final report was inadequate in multiple respects, including because it failed properly to analyse the operation leading to the near-fatal use of force and because the assessment of the justification for the use of force was deficient; and Articles 2 and 3 ECHR required the IOPC to publish the final report.

The IOPC maintained at trial that the Article 2 ECHR procedural duty did not apply and that the Article 3 ECHR procedural duty required only that a fulsome summary of the report be published (not the report itself). They further argued that Article 3 ECHR did not require that the officers be interviewed and did not require disclosure of the report to the family prior to its decisions being made. The Judge accepted our clients' submissions, found that the IOPC had breached the Article 2 and 3 ECHR procedural duties in multiple respects, and quashed the IOPC's report and final decisions. The Judge found that the guidance issued by the IOPC in 2020 omits any reference to their duties under Articles 2 and 3 ECHR and that this omission should be resolved with some haste for the benefit of the IOPC investigators and the public.

Prisoners Named After Dying Within A Week At HMP Styal Women's Prison

Two inmates have died within a week at a women's prison. They were both serving sentences at HMP Styal in Cheshire. The Manchester Evening News understands the incidents were unrelated. Laura Parry, 59, was found dead on Waite Wing on Friday, December 15. On Thursday (December 21), Sarah Jackson, 46, died at the Valentina unit - a facility designed as 'a space for prisoners requiring a temporary location for timeout and respite'. A Prison Service spokesperson said: "Prisoners Laura Parry and Sarah Jackson sadly died at HMP/YOI Styal on 15 December and 21 December, respectively. Our thoughts are with their families and, as with all deaths in custody, the Prisons and Probation Ombudsman will investigate."

Last August an inmate died following a medical episode at HMP Styal. The woman was taken to hospital after reportedly suffering a cardiac arrest. She later died in hospital. On July 2 last year inmate Eileen McDonagh died in custody. The latest deaths follow a spate of fatalities in custody at the Wilmslow prison, including four in a 15-month period in 2018 and 2019. Three of those deaths were women who had just arrived, it is understood. The latest report by HM Chief Inspector of Prisons, Charlie Taylor, published in January 2022 concluded that safety at the prison was 'reasonably good'. The report read: "There had been four self-inflicted deaths since the last inspection (2018) three of which had taken place during the early days in custody." The prison, a former orphanage, is made up of Edwardian house blocks situated on tree-lined avenues. It has capacity for 422 inmates and opened as a women's prison in 1962. Last year's report by Mr Taylor said plans to improve supervision of the houses had been delayed because of staff shortages, adding that 'hindered the oversight of women at risk of self-harm and meant that staff were not always available to address violence promptly or respond to requests from women in a timely way'.

How Oil Money Turned Louisiana Into the Prison Capital of the World

Lydia Pelot-Hobbs, Truthout: A series of events in the 1970s led to the state's penal system becoming intertwined with the swings of its oil economy. On October 14, 2023, Louisiana elected far right candidate Jeff Landry to the governor's mansion. As the state's current attorney general, Landry (a former police officer and sheriff's deputy) has made headlines for his creation of an anti-crime policing task force for New Orleans, suing the state to block clemency appeals by those on death row, and advocating to make public the criminal records of juveniles in predominately Black areas of the state. Landry's dedication to "law and order" has been matched by his commitment to extractive industries. As a climate change denier, he has pushed for more aggressive off-shore drilling in the Gulf of Mexico and sued the Environmental Protection Agency for overreach. As governor, he is poised to roll back the moderate criminal legal system reforms enacted under Gov. John Bel Edwards in 2017, and further deregulate the oil and gas industries. These political moves will further tie Louisiana to the destructive prison and petrochemical sectors — limiting and cutting short the lives of countless residents.

This political coupling of mass incarceration and petrocapitalism is nothing new for the state. In 1901, Louisiana purchased the notorious Angola plantation to serve as the Louisiana State Penitentiary, and oil was struck in the state for the first time. Yet, as documented in my book, Prison Capital: Mass Incarceration and Struggles for Abolition Democracy in Louisiana, not until the 1970s did the growth of Louisiana's penal system become intertwined with the swings of the state's oil economy. This is not to reduce Louisiana's standing as an epicenter of mass incarceration to a "resource curse." Political power blocs and struggles, not natural resources, shape policy makers' decisions. With that said, one cannot understand Louisiana officials' unprecedented expansion of the state's punishment regime without understanding the seesaw of petrocapitalism.

Over the course of the 20th century, Louisiana developed its political economy on oil extraction and refinement. Amid the black gold rush of the 1920s, Gov. Huey Long rose to power on a populist platform that promised the people of Louisiana state investments in social welfare through increasing taxes on oil companies. Long's petro populism was modest insofar as he never called for the public ownership of the state's natural resources, and the taxes he championed were relatively limited. However, this petro populism still ushered in the beginning of Louisiana's fiscal dependency on oil revenues. As Jason Theriot documents in his book American Energy, Imperiled Coast, generation after generation of state leaders incentivized new rounds of oil extraction to fill state coffers and enrich oil capitalists at the expense of a diversified political economy and the erosion of coastal wetlands. By the 1970s, Louisiana had become economically dependent on the volatile commodity of oil.

The 1970s also marked a new era for the Louisiana penal system. The legitimacy of Angola had reached a breaking point. Four Black prisoners — Arthur Mitchell, Hayes Williams, Lazarus Joseph and Lee Stevenson — filed an extensive lawsuit against Angola in 1971 for issues including medical neglect, unsafe facilities, religious discrimination against Muslims, racial segregation and the violence of solitary confinement. In 1975, federal Judge Elmer Gordon West ruled in favor of the plaintiffs and declared the prison to be in a state of "extreme public emergency." Sweeping changes were ordered in the name of restoring imprisoned people's constitutional rights and population limits were placed on Angola.

At first, liberal reformers running the Louisiana Department of Corrections (DOC) responded by pushing for a slew of reforms they believed would make Angola a more orderly, safe and modern prison: ending the trusty guard system, racially integrating prison dormitories and work assignments, and investing in repairs and security technologies. At the heart of their

reforms was a push for their "decentralization plan" to shrink or even shutter Angola and replace the plantation penitentiary with smaller regional urban prisons.

While the federal court agreed this was one possible avenue out of the crisis, Judge West mandated that Angola be downsized or decommissioned in two years' time. Otherwise, officials would need to expand the prison. The short timeline given by the courts and local opposition to new prisons by urban residents in their cities made the decentralization plan unfeasible. Instead, Louisiana sought to resolve the crisis by enlarging the prison system in rural areas. As the 1978 Governor's Office Long Range Prison Study shows, officials added 1,400 new beds to Angola and built three new state prisons within five years of the federal court rulings. This expansion of the Louisiana carceral state was framed by government officials — from Judge West to the governor of Louisiana — as a form of "humanitarian" reform, without any concern given to the state's increased power to cage more Louisianians. But such penal expansion is never cheap.

More Than 1,100 Police Officers Under Investigation for Sexual or Domestic Abuse

Mark Townsend, Observer: Police officers across England and Wales are under investigation for sexual or domestic abuse, prompting fresh calls for vetting and misconduct procedures to be radically overhauled. Of these, 180 – almost one in seven – have been allowed to carry on working as normal despite the severity of the offences. Of the 1,151 officers under investigation, 428 have been placed on restricted duties, with another 378 suspended. The highest number of officers under investigation is from the largest force, the Metropolitan police, with 657 individuals accused of sexual or domestic abuse, or both.

At the start of the year, amid outrage after Met PC David Carrick pleaded guilty to 49 offences including dozens of rapes and sexual offences, the force said it was investigating 1,000 sexual and domestic abuse claims involving about 800 officers. The new figures come nine months after the publication of the Casey report, which strongly criticised the internal culture and standards of behaviour within the Met. Pronouncing the force guilty of institutional racism, misogyny and homophobia, the report included recommendations for revamping its vetting and misconduct procedures. Since then the Met has adopted a new process to consider dismissing officers who can no longer pass vetting, with fresh vetting reviews more easily triggered.

In addition, the details of all 50,000 Met employees have been checked against more than 5bn intelligence records held on the police national database. However, the Liberal Democrats – who collated the data via a series of freedom of information (FoI) responses – said the responsibility for fundamental change was with James Cleverly, the home secretary. Wendy Chamberlain – Lib Dem MP and former police officer – said: "Ultimately, the buck stops with the home secretary. It's up to him to ensure vetting and misconduct procedures are radically overhauled, and that there's proper transparency around how many officers are working as normal while under investigation."

The true total of officers in England and Wales under investigation for such offences will be far higher, because only 28 out of 43 forces responded to FoI requests. Greater Manchester police, the third biggest police force, was among those that did not respond. Durham, Essex, Northumbria and Northamptonshire all refused to cooperate with the requests from the Lib Dems for information. The party said it had been urging the home secretary, London mayor Sadiq Khan and the head of the Met to produce an urgent plan to implement the Casey report's recommendations while encouraging other police forces to do the same. Chamberlain is also demanding that Cleverly require police forces to regularly publish figures on how many officers under investigation for sexual or domestic abuse are still on normal duties. These shocking figures should be a wake-up call – due to both

the sheer number of officers under investigation for these crimes and the number for whom it's business as usual. f the Conservatives were serious about delivering this change, they would use the criminal justice bill. A Home Office spokesperson said it was bringing forward changes to the disciplinary system that would give chief constables greater powers to "root out officers who are not fit to serve". A spokesperson for the Met said it was the first force in the UK to adopt a new process to consider dismissing officers who can no longer pass vetting "and who, as a result, have lost the Commissioner's confidence". "If an officer or staff member can no longer meet the minimal vetting requirement, they will be unable to fulfil the duties expected as part of their role which may result in a finding of gross incompetence. Such a finding could lead to dismissal."So far, 30 officers are being looked at as part of the operation and it is likely that number will increase to around 100 as the work progresses."

Illegal evictions in England Hit Record High, But Less Than 1% of Landlords Convicted

Andrew Kersley, Guardian: Landlords are illegally evicting tenants in greater numbers and with almost no fear of repercussions, as figures show that less than 1% of those evictions leads to a conviction. Research by the housing charity Safer Renting found that 8,748 cases involving the practice were logged in 2022, a record high and 12% more than the 7,778 cases recorded the year before.

But at the same time, the Ministry of Justice recorded just 26 convictions of landlords in 2022 – 0.3% of the total number of cases that year. Illegal eviction, where a landlord forcefully removes a tenant from their home without a court order or even a legal reason, is often violent and routinely sees tenants having their possessions stolen by their Labour MP Karen Buck compared the practice to domestic abuse. "Illegal eviction often takes place out of sight, involving violence. It is the most brutal of robberies," she said.

The Observer has heard stories of victims having life-saving medication or even their passports stolen, which leaves them unable to get homeless support from local councils. Majid Anwar was ordered by his landlord to move out of his home while awaiting surgery. The 40-year-old came to Britain 14 years ago as a refugee after his mother and brother were murdered. He had been living in the flat for four years when the landlord informed him that he wanted a relative to stay there while they were visiting the UK on holiday. Initially, Anwar refused to move until he could find himself a new place to live, but, he said, he experienced weeks of harassment from the landlord. In September, while Anwar was at an appointment with his surgeon, the landlord changed the locks and, alleges Anwar, took all his possessions, including his medication and inhaler. Anwar spent five days camped outside the flat waiting for the landlord to answer the phone before he was allowed back in to collect his possessions. He said he contacted the police numerous times, but was wrongly informed that it was a civil matter and told to stop calling as he was "blocking the line. My landlord was so sure the law wouldn't protect me," he said. "And that is what happened." Anwar has been left permanently homeless and is now on antidepressants, having started to suffer panic attacks since the illegal eviction.

The government does not formally collect data on the total number of illegal evictions, which has forced Safer Renting to compile the statistics by counting the number of cases logged by charities that support victims of the practice, meaning the figures are likely to be an underestimate. The cases documented by Safer Renting and convictions recorded by the Ministry of Justice could potentially include many offences by the same landlord.

Illegal eviction is often made worse because council-employed tenancy relation officers, whose job it is to police the practice, were heavily cut back during the austerity era. Half the boroughs in London either do not employ, or would not say if they employ, any staff who are able to take action over an illegal eviction.

Shoplifters to Benefit Most From Ending Short Jail Terms in England and Wales

Aletha Adu, Guardian: Government's plans to impose a moratorium on jail sentences of less than 12 months in England and Wales. Despite Rishi Sunak's attempt to introduce tough sentences for criminals in the run-up to the general election, shoplifters, offenders convicted of battery, and those who have assaulted emergency workers, are the top three groups who will avoid prison under the government's new measure. Shoplifters account for more than one in eight offenders who will not face jail and who will instead receive a suspended sentence, the data shows.

In October the justice secretary, Alex Chalk, set out measures for criminals facing jail sentences of under 12 months to receive suspended sentences and community service, as part of wider plans to tackle overcrowding in prisons across England and Criminals will instead be punished with an order to take part in community payback schemes, which would include "cleaning up our neighbourhoods and scrubbing graffiti off walls", he said. Chalk added: "The taxpayer should not be forking out for a system that risks further criminalising offenders and trapping them in a merry-go-round of short sentences."

Ministry of Justice data revealed by the justice minister, Edward Argar, in response to a parliamentary question show that shoplifters received the most sentences that in future would be suspended. Last year 5,289 shoplifting sentences of less than a year were handed out, up from 3,848 in 2021. Common assault and battery accounts for the second most common offence, followed by assault, or assault by beating of an emergency worker, in third. The top 10 offences have accounted for almost 58% of all sentences of up to 12 months handed out in the past two years. The data comes at a time of heightened concern about organised shoplifting.

As the justice secretary announced his changes to short sentencing, the policing minister, Chris Philp, vowed to crack down on the gangs behind shoplifting. He said: "I want a new zero-tolerance approach to tackling shoplifting. It is a blight on our high streets and communities and puts the livelihoods of traders at risk. I am determined to drive forward change. While it is encouraging to see a 29% increase in charges for shoplifting in the past year, the rise in offending is unacceptable."

Over 5,500 Unpaid Work Orders Not Completed After Two Years in England and Wales

Haroon Siddique, Guardian: More than 5,500 unpaid work orders that form part of community sentences have not been completed more than two years after being handed down, with experts blaming "chronic understaffing" in the probation service. Ordinarily the orders, which can be for between 40 and 300 hours, should be completed within 12 months of sentence. Figures show there are more than 15,100 unpaid work orders not completed in that time in England and Wales, 182 of which have not been delivered more than four years after sentencing.

The use of community sentences is set to increase under government plans to scrap short jail terms for most offenders to alleviate prison overcrowding. The changes have been welcomed by campaigners but they say they must be accompanied by more resources for the probation service. Andy Keen-Downs, the chief executive of the Prison Advice and Care Trust (Pact), said: "These are worrying statistics that reveal the scale of some of the major challenges facing the probation service. Many of these problems can be traced back to the 25% budget cuts to the Ministry of Justice in the decade following 2010, alongside the ill-judged part-privatisation of probation when Chris Grayling was justice secretary. Bringing probation fully back in-house in 2021 was a positive move but it has so far failed to prevent chronic understaffing and high caseloads for hard-pressed frontline practitioners. The government is quite rightly moving towards a presumption against short prison sentences. However, without the right funding, that will simply mean more pressure on probation, more unpaid work going uncompleted and more people failing to complete their community orders."

The figures, which date from May when the Guardian made a freedom of information request that it only received a response to last month,, show the total number of hours outstanding under unpaid work orders was 4.4m. In 2019-20, the total delivered hours under unpaid work orders was 4.9 m. As of 30 September, there were only approximately two-thirds of the required number of probation officers employed, with a shortfall of 2,129 officers against a target of 6,780. Many have left the service in recent years, including 806 in the past 12 months. While the MoJ has blamed competition in the labour market, the HM Inspectorate of Probation's annual report said "staff burnout and stress are the main reasons for experienced staff leaving the service".

Andrew Neilson, the director of campaigns at the Howard League for Penal Reform, said the government should divert some of the funding from its £4bn prison expansion programme into community orders "that are more effective at reducing offending. There is increasing public attention on the state of prisons and the overcrowding to be found behind bars, but similar overcrowding can also be found when it comes to those being supervised by the probation service. This backlog in unpaid work orders speaks to the fact that across probation, overstretched staff face unrealistic caseloads and struggle to provide high-quality support and supervision. It also makes clear that while recent proposals to reduce the use of ineffective short prison sentences are hugely welcome, it is vital that such measures are coupled with additional investment and a serious review of how probation services can function both efficiently and effectively."

A government source said the number of offenders with at least one uncompleted work order – different from the total number of work orders – had fallen by two-thirds since spring 2021 to about 5,000. An MoJ spokesperson said: "The delivery of unpaid work was severely impacted by the pandemic but thanks to the £93m we've invested since 2021 the number of offenders completing their orders within 12 months continues to increase."

Appelents' Defence Generated by AI - Dismissed by First-tier Tribunal (Tax)

Mrs Harber disposed of a property and failed to notify her liability to capital gains tax ("CGT"). HMRC issued her with a "failure to notify" penalty of £3,265.11. Mrs Harber appealed the penalty on the basis that she had a reasonable excuse, because of her mental health condition and/or because it was reasonable for her to be ignorant of the law. In a written document ("the Response") Mrs Harber provided the Tribunal with the names, dates and summaries of nine First-tier Tribunal ("FTT") decisions in which the appellant had been successful in showing that a reasonable excuse existed. However, none of those authorities were genuine; they had instead been generated by artificial intelligence ("AI"). In this decision, we have called these "the Cases in the Response" or "the AI cases", and they are set out at §13ff below. We accepted that Mrs Harber had been unaware that the AI cases (Cases generated by artificial intelligence such as ChatGPT) were not genuine and that she did not know how to check their validity by using the FTT website or other legal websites. (Cases generated by artificial intelligence such as ChatGPT) In deciding Ms Harber's appeal, we applied the principles set out in Christine Perrin v HMRC [2018] UKUT 156 ("Christine Perrin"), and having done so, we found that she did not have a reasonable excuse. We therefore dismissed her appeal and upheld the penalty. In coming to that decision, we did not take into account her reliance on the AI cases. In other words, our decision would have been the same if Mrs Harber had not provided the cases in the Response. Nevertheless, providing authorities which are not genuine and asking a court or tribunal to rely on them is a serious and important issue. We make further observations at §23 to §24.

No Very Young Children Imprisoned in England or Wales Since 2010

Helen Pidd, Guardian: Justice system is more reluctant to criminalise 10- and 11-year-olds but government refuses to raise age of criminal responsibility. No 10- or 11-year-olds have been imprisoned in England and Wales since 2010, the Ministry of Justice (MoJ) has said, as the criminal justice system becomes ever more reluctant to criminalise primary-school-age children. There has been a huge drop in the number of very young children cautioned or convicted in England and Wales in recent years. In 2010, 781 youth cautions or sentences were given to 10-year-old children, according to information released by the Youth Justice Board (YJB) under the Freedom of Information (FoI) Act. In the year ending March 2022, the most recent figures available, just 16 10-year-olds and 80 11-year-olds were convicted or cautioned, mostly for offences involving violence or arson.

None were sent to custody, which for children under 14 is in one of eight secure children's homes in England and Wales. Instead, the children received cautions, fines or community sentences. The last time a 10-year-old child was given a "detention and training order", sentencing them to between four and 24 months in custody, was in 2016, YJB figures show. But the government has repeatedly refused to increase the age of criminal responsibility from 10, one of the youngest in the world, since the 10-year-olds Robert Thompson and Jon Venables were found guilty of murdering the Liverpool toddler James Bulger in 1993.

Increasingly, charges against 10-year-olds are dropped once they reach court. In October at Leeds youth court, the Crown Prosecution Service discontinued a case involving a 10-year-old boy accused of damaging a flatscreen TV belonging to a Halifax-based children's home and of using "threatening, abusive, insulting words or behaviour to cause harassment, alarm or distress". Children in care are disproportionately likely to end up in court. A large study in September found that children who have lived in care are eight times more likely to have received a youth justice caution or conviction than those who have not. Magistrates or youth court judges prefer now to impose punishments that will not last too long on a child's record.

In August, a boy convicted of damaging £895-worth of clothing from New Look when he was 10 was given an absolute discharge. This sentence appears on a child's criminal record for a year, but, after that, no employer or other member of the public will know that they were charged for a crime. In November, an 11-year-old girl appeared in court in Kent charged with a string of shoplifting offences committed when she was 10, including stealing £152.85-worth of cosmetics from the Deal branch of Superdrug. Her case was adjourned to the new year in the hope it could be resolved out of court.

Twelve of the 10-year-old children convicted or cautioned in 2021-2022 were convicted for violence against the person offences. The other four were prosecuted for arson, robbery, criminal damage and public order. Sixty of the 11-year-olds were convicted for violence against the person. One was found guilty of joyriding and another for unspecified "motoring offences". Another was convicted of fraud, one of robbery, three of arson, three for public order, two for domestic burglaries, two for criminal damage, two for theft and handling stolen goods, one for an unspecified racially aggravated crime and three for unspecified charges. Responding to the figures, Rob Preece, the communications manager at the Howard League for Penal Reform, said: "The age of criminal responsibility in England and Wales should be raised. If a young child is in trouble or behaving in a concerning way, the priority should be to consider their welfare and understand the reasons why this is happening. It is better to do this outside the criminal justice system, so that the child can be given the support they need without being held back in life by a criminal record."

An MoJ spokesperson said: "The number of children receiving cautions or convictions has fallen by 79% in the last decade thanks, in part, to early support that prevents children committing crimes in the first place. We see this as a sign the youth justice system is working and have no plans to raise the age of criminal responsibility as it enables the very early intervention that is most effective." Chief constable Catherine Roper, the National Police Chiefs' Council lead for children and young people, said it was important that young people were not criminalised for behaviour that could be dealt with "more appropriately by other means. It is encouraging that the number of children who are arrested continues to decline, whilst alternate measures to deal with offending behaviour, such as out of court disposals, has increased," she said.

Home Office Criticised by High Court for "Five Very Concerning Features" of Detention Case

Background: ER has a "very large number of criminal convictions" and was served with a deportation decision in June 2022. Despite his making representations against it, a deportation order was signed in April 2023. After his prison sentence was completed on 13 April 2023, ER was detained under immigration powers. ER was referred as a potential victim of trafficking on 29 May and received a positive first stage ("reasonable grounds") decision on 14 August 2023. The interim relief hearing in the High Court took place on 28 November 2023. At the interim relief hearing, it was submitted on behalf of ER that because of the reasonable grounds deci The Home Secretary served evidence showing that Schedule 10 accommodation had been refused in decisions dated 10 and 16 October. These decisions had not been served on ER or his lawyers and were based on the incorrect assertion that bail had not been granted at all. The Home Secretary argued that ER's criminal record and mental health problems were the reasons for the delay in finding suitable accommodation. It was also argued that a fresh Schedule 10 application could be made in light of the second grant of bail in principle dated 24 November 2023. In response to the argument that ER was currently being unlawfully detained, the Home Secretary sought to rely on section 12 of the Illegal Migration Act 2023, commenced on 28 September 2023. Specifically, reliance was placed on the provision at new paragraph 17(5) of Schedule 2 to the Immigration Act 1971.

"Five very concerning features" The judge identified "five very concerning features" of the case. The first was the difficulties experienced by ER's lawyers in arranging a legal visit, the lack of a proper system to respond to such requests was described by the judge as "wholly unacceptable". Secondly, the lack of response to the pre action letters. The judge said that a "detailed letter from a solicitor claiming that a client is being unlawfully detained requires a prompt response, not a shrug of the shoulders". The third point of concern was the lack of a substantive response from the Home Secretary to the contention that ER was being unlawfully detained as well as the Schedule 10 refusals that had not been sent to his lawyers or to ER. No explanation was provided for this. Fourth point was the suggestion made on behalf of the Home Secretary in a skeleton argument dated 24 November 2023 that a fresh Schedule 10 application should have been made in circumstances where the refusals of 10 and 16 October had not been sent to ER's lawyers until 23 November 2023. It had also been argued that a grant of interim relief would have been unwarranted due to the length of time ER had already been detained. This was described by the judge as "to say the least, a surprising suggestion". Ffith point, the judge said that it appeared to be "strongly arguable" that the refusals of 10 and 16 October 2023 were unlawful, the first for the assertion that bail had not been granted, and the second for the assertion that there was no residence condition attached to the bail grant. Both were incorrect and Humnyntskyi is authority for the position that bail grants made in those terms do trigger the power to provide accommodation under Schedule 10. Overall, the judge described this as "a very compelling case" that the Home Secretary had acted unlawfully to date. No evidence had been provided that any attempt had been made to obtain suitable accommodation, beyond the initial referral to the Salvation Army that had been rejected in August