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Mental Health Tests in the Presence Of Counter-Terror Units 'Unethical'

Jamie Grierson , Guardian: Mental health assessments are being conducted in the presence of police in little-known hubs that embed nurses and psychologists with counter-terrorism units, raising "serious ethical concerns", a medical charity has said. The so-called "vulnerability support hubs" have become a permanent feature of the UK counter-terrorism apparatus since they were introduced to trial a national "vulnerability support service" in 2016 and are now established in three regions – the north, Midlands and south. Thousands of individuals suspected of potential extremism, most of whom have been referred to the government's counter-terrorism programme Prevent, have been assessed by the hubs, which see consultant psychiatrists, consultant psychologists and mental health nurses work alongside counter-terror police.

A major study by the charity Medact has concluded that the focus of the project is for the benefit of counter-terrorism policing rather than the patients, which puts the embedded mental health professionals at risk of compromising medical ethics. The hubs should be scrapped, said Medact, which researches and campaigns on the social, political and economic factors that affect health inequalities. The charity said it uncovered details of the operations in unpublished evaluations of the project pilot. As well as discovering that police officers had sat in on mental health assessments, Medact said it had found that those referred to the hubs were detained under the Mental Health Act in cases where police appear to be applying pressure on health professionals.

In one case study in the report, the charity said, police escalated concerns about a patient in order to "secure admission and prevent discharge" on the basis of "unacceptable unknown" information. Other case studies also show that medical professionals are encouraged to monitor patient medication regime compliance on the basis of concerns such as "acting in an odd manner" or being a "convert to Islam", Medact said. The report raises concerns that the hubs encourage health workers to act beyond their remit, with practices including collaborating with police to assign "combined" mental health and counter-terrorism risk gradings to the people referred. Thousands of individuals have been referred to the programme, a large proportion being young people including teenagers and children as young as six, the report added.

The report's findings show that a Muslim is at least 23 times more likely to be referred to a mental health vulnerability support hub for "Islamism" than a white British individual is for "far-right extremism". Police are currently rolling the vulnerability support service out nationwide via Project Cicero. NHS Trusts tied in with the project included Birmingham and Solihull NHS Foundation Trust, Barnet, Enfield and Haringey NHS Trust, Greater Manchester Mental Health Foundation Trust and the Lancashire and South Cumbria NHS Foundation Trust – but overall control of the hubs lies with counter-terrorism units.The reported aim of the original pilot was "to improve the understanding of both police and health professionals of the associations between mental health conditions and vulnerability to radicalisation" and "to assess the value of mental health professionals working alongside counter-terrorism police officers … in relation to the management of individuals referred to the police with known or suspected mental disorders who may be vulnerable to radicalisation and extremism".

The pilot project – which cost nearly £800,000 in its first year – was jointly funded by counter-terrorism police, the NHS and the Home Office. A government spokesperson said: "Healthcare practitioners recognise Prevent as part of their safeguarding duties and with over 300,000 patient contacts every day, the NHS has an important role to play in preventing vulnerable people from being drawn into terrorism. "A key part of Prevent is to enable frontline staff to recognise and safeguard individuals at risk from all types of radicalisation, referring them to pathways for appropriate support … tailored to an individual's needs. Mental health conditions may contribute to a person's wider vulnerabilities, though the relationship between mental health and radicalisation is complex."

Chief superintendent Nik Adams, counter-terrorism policing's Prevent coordinator, said: "There is nothing 'secretive' about our vulnerability support service and if people are interested in learning more about our vital work to divert people with mental ill health away from the criminal justice system and towards the clinical support they need, they can find more information on the Prevent page of our website. The sad reality is that terrorist groups are producing vast quantities of propaganda that is carefully designed to influence a small but significant number of individuals – experiencing often unique combinations of poor mental health, behavioural disorders and other complex needs – who then appear more susceptible to manipulation by extremist groups."

Prisoner's 'Defective Representation' Petition Refused by Outer House

Scottish Legal News: A prisoner who sought a review of his case based on defective representation has had his petition against the decision by the Scottish Criminal Cases Review Commission to refuse a review of his case rejected by a judge in the Outer House of the Court of Session. Paul Kelly was convicted of six charges of sexually abusing three children and one charge of assault, all occurring between 1981 and 1983 at a school in Fife. He was sentenced to a cumulative period of 10 years' imprisonment. Leave to appeal against the convictions had previously been refused. The petition was heard by Lord Arthurson. The petitioner was represented by Bain QC and the respondent by Pirie, advocate.

Important Exculpatory Testimony: The sole ground of review advanced in the petitioner's application to the SCCRC was that of defective representation. In a Statement of Reasons issued on 28 February 2020, the respondents declined to make a reference on this ground, as they were of the view that the petitioner had not suffered a miscarriage of justice. This position did not change on a request for review of the decision. Senior counsel for the petitioner submitted that he was not consulted by his trial senior counsel and defence agent in relation to defence witnesses who would or would not be called on his behalf at the trial, despite having supplied them with an extensive list of potential defence witnesses and paying £10,000 to meet the costs of their travel and accommodation. In not being consulted about the calling of defence witnesses, his counsel had therefore not properly put his defence forward to the jury.

It was submitted that the evidence of one potential witness in particular, SJ, would have been of great assistance to the defence, particularly in bolstering support for the evidence of another witness who was led at trial. Another potential witness, RD, would also have been able to provide support for the evidence led at trial, but the petitioner's trial agents had failed to trace him. The petitioner later obtained a home address for him through a local authority, but nonetheless, he was not called. Counsel for the petitioner further submitted that the cumulative effect of these failures on the part of his trial counsel and agent had resulted in important exculpatory testimony not being led and his defence not being properly presented to the jury. His instructions to those representing him at the trial had been disregarded. These failures had resulted in a miscarriage of justice.

The respondents had rejected the petitioner's arguments on the grounds that the decisions complained of fell within the reasonable exercise of counsel's discretion. It was submitted that there was no factual basis for this conclusion, and that no reasonable decision maker would have reached it. In response to the petition, counsel for the respondents submitted that the SCCRC had made a lawful response to the material before them. Reasonableness could only be assessed on the basis of the material that the decision maker had available to it at the time that it made its decision, and the decision was within the reasonable range of responses to the facts before them.

Elephant Trap: In his opinion, Lord Arthurson began: "The way in which [a] defence is conducted is a matter for the professional judgement of counsel and criticism of strategic or tactical decisions as to how that defence should be presented will not be sufficient to support a defective representation appeal if these decisions were reasonably and responsibly made by counsel in accordance with his or her professional judgement." On the arguments made in this case, he said: "Senior counsel's submission in the present case amounted to a contention that if those representing an accused at trial had received funding to secure the attendance of witnesses and that the accused had indicated an express wish that witnesses X and/or Y be led as part of the defence case, then counsel at the trial had in effect no right to decline to lead such a witness whom she or he was expressly instructed or expected to lead."

Criticising this approach, he continued: "This is the very elephant trap identified by the court in [Hughes v Dyer (2010)], in which the Court made crystal clear that such a premise or contention cannot as such form the basis of a claim for defective representation." Holding that the correct question was whether the petitioner's line of defence was fully laid before the court, Lord Arthurson said: "The question as to whether the line of defence was presented to the jury is intrinsically connected to the fundamental issue at large before the respondents within their purview as the specialist tribunal upon which Parliament has conferred a particular review role within the statutory scheme set out in terms of the [Criminal Procedure (Scotland) Act 1995]."

He continued: "The respondents have reached clear conclusions on the key question of miscarriage of justice, applying the correct test in the context of a defective representation claim such as this, and given full and cogent reasons in respect of the material available in the review exercise before them." Lord Arthurson concluded: "What this amounts to is really a disagreement, albeit as it was presented a profound one, which has been characterised in the petition, erroneously in my opinion, as an error of law. The petitioner was in this way asking this court, which had not heard the evidence, to take in hindsight a view about the weight that certain evidence which was not led would have carried with the jury at the trial." For these reasons, the petition was refused.

Serious Violence Reduction Orders

Lee Bridges, IRR: The Police, Crime, Sentencing and Courts Bill reintroduced to Parliament contains provisions for a significant extension in the use of police stop and search powers under new Serious Violence Reduction Orders (SVROs). Those who are made subject to such orders will be marked out to be stopped and searched at any time and in any public place, ie, without the normal requirement for the police officer to have 'reasonable grounds' for suspecting that the person stopped is in possession of a knife or other offensive weapon at the time.

While such 'suspicionless' stops and searches can be authorised for use by the police under what is known as Section 60,[i] such authorisations are limited as to both the time period and specific location where they can be used. By contrast, SVROs will last for a minimum of six months and up to a maximum of two years, and they can be renewed and extended further

on the application of the police. They can also be executed in any police area in the country. To give effect to this, those subject to SVROs will be legally required to notify the police in any areas they move to or choose to reside for more than a month, and failure to do so will itself constitute a criminal offence punishable by up to two years' imprisonment.

Plans for such orders were originally put forward in the Conservative Party manifesto for the 2019 General Election, which promised that 'police will be empowered by a new court order to target known knife carriers, making it easier for officers to stop and search those convicted of knife crime'. From this, it might be supposed that use of SVROs would be restricted to those 'convicted of knife crime'. However once re-elected, home secretary Priti Patel issued a consultation document[ii] proposing that SVROs could be applied to any person aged 18 and over who is convicted of an offence involving a knife or other offensive weapon. This change, which is now contained within the proposed legislation, significantly expands both the number of people who could be subject to SVROs and, given the legal definition of an 'offensive weapon' as 'any tool made, adapted or intended for the purpose of inflicting mental or physical injury upon another person', the circumstance in which they could be imposed.

But the proposed legislation goes even further in seeking to widen the potential use of SVROs. As may be expected, the Bill provides that a court may impose an SVRO on any person aged 18 or over who it has convicted of an offence involving the use of a bladed article or other offensive weapon or who had such a weapon with them when the offence was committed. However, it also allows for an SVRO to be made in respect on any person aged 18 or over who is convicted of an offence, not necessarily one involving his or her own use or possession of a bladed article or other offensive weapon, but who is found on a balance of probabilities to have known or ought to have known that another person would use or be in possession of such a weapon in the commission of an offence.

Those familiar with the history of the controversial legal doctrine of 'joint enterprise' – a form of guilt by association – will recognise the terminology in which this latter provision is cast. Joint enterprise is commonly used in situations where a group of people are involved or present when an offence is committed in order to hold all members of the group criminally liable for a crime committed by only one or some members of the group. For example, where one member of a group (the principal party) uses a knife to kill or injure someone, other members of the group (the secondary parties) can, under the doctrine of joint enterprise, also be convicted of having caused the death or injury to that person. Prior to 2016, such a conviction could be obtained if it was shown that the secondary party merely had 'foresight' (ie, had known or ought to have known) that a knife was being carried by the principal and might be used in the commission of the offence. However, following the judgment of the Supreme Court in the case of R v Jogee[iii] the test for such a conviction was strengthened so that it required proof beyond a reasonable doubt that the secondary party intended to encourage or assist the principal in carrying out the knife attack. This change somewhat limited the police and prosecuting authorities in their use of joint enterprise to widen the net of those who could be successfully prosecuted where groups are involved or present when a crime is committed.

Effectively, then, the government is proposing that the concept of 'foresight', discarded after R v Jogee, should be revived as a means of imposing SVROs on secondary parties caught up in situations where knives or other offensive weapons have been used or possessed by others in the commission of an offence. Even though these secondary parties may have been acquitted in joint enterprise proceedings of responsibility for the main offence (or not prosecuted at all

for this), so long as they have been convicted of some other offence, not necessarily involving their own use or carriage of a knife or other offensive weapon, they could still be made subject to an SVRO. Moreover, the Bill provides not only that the courts can impose SVROs on the basis of proof on a balance of probabilities, but can also take account of evidence that would have been inadmissible in the criminal proceedings in which the offender was originally convicted. This latter provision opens the door for the police and prosecution to use various forms of hearsay and so-called 'intelligence',[iv] which might have been excluded from the original criminal proceedings, as a means of justifying the imposition of an SVRO.

In March of this year the government, in its official conclusions following the original consultation on SVROs, stated that it did 'not believe that it would be appropriate to extend SVROs to individuals who have not committed an offence involving the carriage or use of a weapon.'[v] However, this is precisely what could happen under the provisions of the Bill as outlined above. It is also interesting to observe that in the original consultation on SVROs the justification used by the Home Office for widening their scope to include all offensive weapons, not just knives, was that limiting them just to knife offences might provide an incentive for offenders to use other, equally dangerous weapons instead. Viewed in the context of the above analysis, the way the Police, Crime, Sentencing and Courts Bill has been drafted in terms of the wide conditions and circumstances in which SVROs can be imposed could be said to provide a similar incentive for the police, prosecutors and courts to adopt a dragnet approach in terms of their implementation and enforcement of such orders. For example, where someone is found to have used or been in possession of a knife, the police might seek to find grounds for arresting others present for separate offences, especially if they are previously 'known to the police', in order to be able to seek SVROs and the wider powers of stop and search they will provide in relation to such persons.

Home Office indifferent to discriminatory impact. It will come as no surprise who is most likely to be the target of SVROs. Citing statistics from 2019 on the ethnicity of those convicted nationally of knife and other offensive weapon crimes, the original Home Office consultation on SVROs noted that 70 percent were white and the remainder from ethnic minorities, largely black people. Figures were also quoted showing that black adults were 7.16 times more likely to be sentenced for knife or other offensive weapon crimes than white adults. However, this is a lower rate of disproportionality than that found in the use of stop and search, where black people were 9.7 times more likely to be stop and searched than white people. From this the consultation paper drew the following conclusion as regards the probable use of SVROs: It is likely that most people who are made subject to SVROs will be White, adult males, although it may be that a disproportionate number of Black people are impacted, Black adult males in particular. In addition, we know that … Black people [were] 9.7 times as likely to be stopped as those who were White. This may mean that people from an ethnic minority who are subject to an SVRO are more likely to be searched in practice.

The implication of this is that the government is going forward with SVROs fully expecting that they will be imposed more readily on black offenders who are convicted of relevant offences than white offenders in the same position and that, once in force, black people subject to such orders will also be stopped and searched under them more often than white people who have been given SVROs. Nor will this occur just by happenstance, but rather as a function of deliberate policing strategies and tactics in addressing issues of serious violence.[vi] As the government's conclusions following the SVRO consultation noted:

The Government believes that the most effective use of SVROs will be achieved through

incorporating SVROs within an area's wider violence reduction and crime reduction strategies and tactical plans. This means the extent to which an SVRO is used in relation to a specific individual may vary significantly, dependent upon a range of factors, including consideration of community information, intelligence, and a range of protective and risk factors around that individual over the lifespan of an order. If the Government appears indifferent to the racially discriminatory effects SVROs may have, it is equally unconcerned about the potential misuse of SVROs. Again, the original Home Office consultation document acknowledged that in enforcing SVROs:

[T]here may be cases of mistaken identity. There may also be cases when an officer genuinely believes that an SVRO has been made when it has not, or that an SVRO is current when it has expired. We want to strike the right balance between ensuring that the police are able to search people who have an SVRO, while minimising the risk that they stop and search the wrong person. Yet, the Police, Crime, Sentencing and Courts Bill is silent on what legal remedies will be available to those who are wrongly stopped and searched (whether by mistake or deliberately) on the pretext of their being subject to an SVRO or the sanctions that might be applied to police officers who undertake such unlawful searches.

In summary, SVROs will have the effect of severely restricting the freedom of movement of those who are made subject to them over extended periods, which may be considerably longer than the sentences they receive for the offences which made them liable for SVROs in the first instance. It will also put them at risk of persistent harassment by the police (from which there is no protection in the Bill) and of having their rehabilitation and reintegration into the community undermined, not least because of indirect effects of being legally labelled as 'persistent knife carriers' on their access to employment, education and other social opportunities. This will be particularly detrimental to those who are made subject to SVROs under the joint enterprise-type provisions of the Bill as discussed above, who have not themselves been convicted of using or carrying a knife or other offensive weapon, contrary to the government's professed intentions following its earlier consultation. And all of these consequences are likely to fall disproportionately on black people, something which the Government admits unapologetically as likely to be the case.

37,000 Arrests of Women Each Year Result in no Further Action

Kyran Kanda, Justice Gap: Black women remain twice as likely to be arrested as white women. The unnecessary arrests of thousands of women each year is a drain on police resources and a misuse of public funds, according to a new report by MPs and peers this week. The APPG on Women in the Penal System has found that an estimated 37,000 arrests of women each year result in no further action. The APPG obtained data from 5 police forces and the Home Office and questions why so many of these arrests happen in the first place. The report follows the APPG's inquiry into reducing arrests of women in England and Wales. It finds that one police force made 9 arrests of women and girls in a single day of which 6 resulted in no further action and another force made 17 arrests of which 13 resulted in no further action.

It is often the case that no-further-action arrests are in relation to incidents in the home where female victims have lashed out, the report says. The briefing warns against the inappropriate use of arrest against women who have been the victims of crime or exhibiting challenging behaviour. An example provided by one of the five police forces involved a woman being arrested for assault who showed signs of being a suicide risk. The briefing recommends police forces review cases to improve practices and learn lessons, particularly relating to how officers are deployed to incidents involving women.

The MPs call for a more nuanced approach to dealing with conflicts in the home as current policies bring women into the criminal justice system for low-level family disputes. Data provided by the five forces showed that women were calling the police to report domestic abuse but were arrested when their partner stated that they were victims. Officers should assess when an arrest is disproportionate and instead focus on resolving disputes in other ways, the report recommends. The briefing explains that training of front-line staff is vital. In larger urban areas police officers may lack local knowledge when deployed to incidents. Training can improve officers' understanding of how to reduce unnecessary arrests if they are first responders.

The briefing calls on officers to use restorative solutions to defuse confrontation and reduce unnecessary arrests. The report highlights that such solutions can better address the underlying sources of tension in the home. The report also cites a 2002 survey by The College of Policing (2020) which found that around a quarter (26%) of officers said that not enough time was spent on training in essential communication and only half (52%) said training had taught them how to defuse confrontation. The report references domestic abuse research that found that police officers would, at times, arrest because they feared senior officers would criticise them if they did not. The College of Policing guidance on domestic violence does not state that arrest is mandatory for domestic violence incidents. The reports considered detention under the Mental Health Act and agreed that police stations are not 'a place of safety' to detain people under the Act. According to police data, a police station was used as a place of safety in less than 0.5% of mental health detentions.

Guatemala Prison: Inmates Beheaded in Deadly Gang Fight

Police in Guatemala said at least seven prisoners have been killed during a fight between rival gangs in jail in Quetzaltenango. Most of them were beheaded as members of the Mara Salvatrucha and Barrio 18 gangs attacked each other. The prison, 200km (125 miles) from the capital, was built to house 500 inmates but has more than 2,000. Some 500 police officers were deployed to take control of the prison, National Police spokesman Jorge Aguilar said. Police sources told local media one of the inmates had ordered the attack on rival gang members in retaliation for the murder of his wife, who had been shot dead by two men on motorbikes hours earlier. According to the source, the inmate behind the violence is serving a sentence for murder. Almost half of the roughly 3,500 violent deaths a year in Guatemala are carried out by gangs, officials say.

HMP Ford – Urgent Need to Improve Rehabilitation Work

HMP Ford, a men's open prison in West Sussex, was found by inspectors to be falling short in its work to support prisoners' rehabilitation and preparation for release into the community. COVID-19 restrictions over the last year had had a significant impact on many prisoners "who had worked hard to progress to open conditions, only for further potential progress to be frustrated by a national ban on temporary release. Prisoners who had expected to be working in the community and rebuilding family ties on resettlement licence instead found themselves, literally, confined to barracks. There were few prisoners in education, vocational training or community placements, which indicated weaknesses in the planning for recovery. Release on temporary licence had started to ramp up, but ultimately there were too many unemployed and unoccupied prisoners who were bored, demotivated and unable to progress in the way they had expected."

"Ford had one of the highest rates of return to closed conditions in the open estate, which supported the view of many prisoners who said the threat of recategorisation was used unfairly to

control their behaviour and sometimes deterred them from speaking out about issues affecting them. All of this was contributing to a culture that felt far from rehabilitative." The inherent limitations of the old and worn accommodation at Ford, this did not excuse the poor cleanliness and shabby conditions we found. It was clear that there had been little oversight of standards in the residential accommodation. It was unacceptable that, during a pandemic, access to laundry facilities and the provision of soap was so poor. We saw prisoners cleaning their underwear and dishes in buckets in shared toilet areas, which we would not expect to see in a modern prison service, let alone in an open prison that should be promoting and supporting independent living skills."

Winston Augustine, Left Left to Die, in a State of Severe Pain and Starvation in Segregation

INQUEST: Winston Augustine, 43, died on Thursday 30 August 2018 at HMP Wormwood Scrubs. An inquest has concluded that multiple failures by the prison service to meet Winston's basic needs directly contributed to his death. Winston had a Mixed ethnic background of Black Caribbean and White British. He had been transferred to the segregation unit on 28 August 2018 and was found hanging in his cell 48 hours later. The inquest heard evidence that during his time on the segregation unit Winston's cell door was not unlocked, he did not receive any food or exercise, was not able to shower or make a phone call, and received only one low dose of his pain relief medication. At the time of his death Winston was in a state of ketoacidosis suggestive of starvation. The jury found that a failure to provide food was a contributing factor to Winston's death. Following the jury's conclusion, the coroner stated that it was a matter of 'greatest concern' and a 'violation of Winston's dignity' that in an English prison he didn't receive food for as long as he did.

The inquest was told by prison officers that they did not consider it safe to open Winston's cell door to provide him with food and access to medication, describing him as non-compliant. The prison's then Head of Safer Custody gave evidence that she was 'amazed' and 'horrified' to learn of this on the day after Winston's death, stating that "in every prison in the country men and women are offered three meals a day". She confirmed that the situation should have been escalated to senior officers on the 29 August and described the failures as 'a wrongdoing'. The jury concluded that factors contributing to Winston's death included a lack of communication, inadequate recording and use of documentation, and no use of escalation procedures. Winston suffered from chronic pain caused by kidney stones and was prescribed a daily slow-release dose of the strong painkiller Tramadol. A prison doctor who conducted a GP and medication round on the morning of 29 August was told by prison officers that Winston was too aggressive to be seen, therefore did not approach his cell. He told the inquest that in retrospect he should have insisted on speaking to Winston himself through the cell door and has since reflected on his practice. Later on the afternoon of 29 August a nurse was able to dispense a single low dose of pain-relief medication by pushing it under Winston's cell door in a situation described by the nurse as 'inhumane'. A second nurse who conducted the medication round on 30 August was told by officers that Winston had refused his medication, although she did not hear any words from his cell. When she asked to see her patient she was again told by officers that he was too aggressive to be seen. The jury found that the failure to provide medication was a contributing factor to Winston's death. As a result of missing two daily doses of his pain relief Winston would have been in severe pain at the time of his death. The inquest heard evidence that he would also have been in the early stages of withdrawal from Tramadol leading to feelings of psychological distress. Winston was found hanging in his cell at 16:47 on 30 August 2018

and was pronounced dead at the scene. Witnesses described Winston as being 'very very cold' and in a state of rigor mortis when he was found. Pathologists gave evidence that although calculating time of death is not an exact science, based on the observed rigor mortis and measured body temperature Winston had probably died at least 4-5 hours before he was found. The jury found that the evidence did not fully explain whether Winston intended his act to be fatal, or if he expected to be found and rescued. The inquest heard that Winston had no significant history of mental ill health or self-harming behaviour, and that staff had no concerns that he may be at risk of suicide. The jury found that the inadequate frequency and quality of welfare checks probably contributed to Winston's death. National prison policy requires that welfare checks of each prisoner in the segregation unit are conducted at least hourly. The inquest heard evidence that on the day of his death Winston was not checked for four hours between 11:12am and 15:08pm. Despite this failure, on each occasion prison officers signed a cell check log to indicate that checks had been completed.

On the day of his death Winston had covered the observation panel in the door of his cell. Officers who conducted the only two welfare checks on the afternoon of Winston's death, at 15:08 and 15:53, gave evidence that they were able to see a small portion of Winston's upper body and head respectively in a position close to the cell door where he was later found dead. Neither officer observed movement, described by other witnesses as the minimum expectation for a welfare check. Despite this, both officers gave evidence that they had no cause for concern and did not consider opening Winston's cell door. Evidence from the pathologists suggests that Winston was most likely to have been already dead at the time of these checks. Winston's family describe him as a loving and caring man who adored his family, especially his mum. He was an active and caring stepfather to his partner's children, attending her son's football matches every Sunday. For many years Winston worked with the arts charity Safe Ground, focused on using drama to support current and former prisoners. He accepted the Longford Prize on their behalf. Winston had been in Wormwood Scrubs previously and was released in January 2017.

After the ten day inquest, the jury found that Winston's death was caused by hanging. In a narrative the jury found that the following factors contributed toward Winston's death: 1) The failure to fulfil his basic requirements of a statutory regime and provision of food and medication. 2)Inadequate supervision such as the frequency and quality of welfare checks. 3) That the people responsible for Winston's direct care were not adequately informed of vital information in order to provide for his welfare needs. 4)Inadequate recording and use of documentation; lack of communication between healthcare, custodial staff and managers; and no use of escalation processes that were available. 5)That the operational direction [of the segregation unit] did not reflect the individual care of the residents. 6) Inadequate training of segregation staff, including the use of staff cross-deployed from other units and those still on probation. 7) In conclusion, that Winston relied on the prison service for his basic needs which were not met.

On behalf of the family, Winston's cousin Diane Martin said: "As a family we knew Winston to be so loving and caring. This is the side many people did not see. Unfortunately, Winston carried out crimes to feed an addiction that came from being in physical pain. He was more than remorseful afterwards. We have concerns about how a prison is run. It shouldn't have taken Winston's death for things to be rewritten. Policies should have been in place and carried out correctly. We will miss Winston greatly and wish to thank our solicitor and barrister, the coroner jury and INQUEST." Deborah Coles, Director of INQUEST, said: "In Wormwood Scrubs a man racialised as Black is locked in solitary confinement for 48 hours, with no

access to food or prescribed pain medication. Left for days, starving, in pain and increasing distress. This sounds like a story from the 1800s when this prison was built. This was August 2018. The evidence of the inquest into Winston's death exposes basic failures at every level. This was a healthy man who was labelled as aggressive, written off, and driven to his death. Prison staff lost sight of Winston's humanity and of their duty to keep him safe. This shocking treatment is part of a pattern of inhumanity uncovered at inquests, particularly into the deaths of Black and racialised people, in prisons and detention. It must not be allowed to continue." Tim Lloyd of Matthew Gold & Co. who represent the family said: "It is truly shocking that in the twenty-first century Winston died isolated in a prison cell without food, medication, or even a shirt. The evidence and the jury's conclusions paint a grim picture of a dysfunctional unit marked by a basic lack of care and dignity. My clients thank the jury and coroner for bringing attention to these issues. We will never know how many men faced similar treatment which has not been brought to light by an inquest. The management of Wormwood Scrubs assured the inquest that immediate improvements were made to the segregation unit following Winston's death. My clients hope that Winston's death will lead to a real and lasting cultural change, however they remain concerned that avoidable deaths continue to occur at Wormwood Scrubs and across the prison estate."

Mark Culverhouse Another Death in Prison Segregation

INQUEST: The inquest into the death of 29-year-old Mark Culverhouse concluded on Friday 21 May 2021, with the jury finding critical failures contributed to his death. These included putting Mark in segregation and unlawfully detaining him past his license expiry date. He had spent four days in custody. On 23 April 2019, shortly before 15.00, Mark was found unresponsive under a sheet on the floor of a cell in the segregation unit at HMP Woodhill. He had used a ligature and later died. The senior coroner, Tom Osborne, indicated that he will be writing a report to prevent future deaths highlighting Mark's recall to prison when his licence had in fact expired, as well as the delay in releasing him once in prison. The coroner said he was "outraged" by Mark's unlawful detention which, he said, had led Mark further into crisis, and eventually death. He said that it was contrary to the Magna Carta of 1215.

The inquest had heard that on 17 April 2019, Mark was in serious crisis in the community. He climbed up scaffolding and threatened to jump from the third storey of a building. He was brought down by skilled negotiators but then arrested for offences directly related to the incident. Mark was then taken to Northampton Police Station, where two doctors deemed him fit to be detained despite the negotiator wanting him to have a formal Mental Health Act assessment. Mark was subsequently interviewed and charged. The next day he was taken to Northampton Magistrates' Court but, before he taken up to the court, he had to be taken to hospital after deliberately hitting his head very hard in the cell area. Mark repeatedly indicated that he would kill himself if returned to prison.

While he was in hospital, the probation service decided to recall Mark to prison in relation to a previous short sentence of driving while disqualified, despite the fact he was suicidal. The inquest heard that the probation services do not calculate sentences before deciding to recall someone. He was still in deep crisis upon arrival and was captured on CCTV saying he had been recalled for trying to take his own life and asking to be taken to hospital. It transpired that he had no time left to serve on his licence and should in fact have been immediately released. However, no administrative staff were present to calculate his release date over the Easter

bank holiday weekend, so he remained incarcerated, and in four days was twice removed to segregation. Mark was subject to suicide and self-harm monitoring throughout his time in the prison (he was on an ACCT). On 19 April he was forcibly removed to segregation where he repeatedly hit his head very hard and expressed the wish to die. He was later found unresponsive and taken to hospital. He spent a number of days on constant observation. On 23 April 2019, after an altercation with another prisoner, Mark was restrained and again taken to segregation, although still on an ACCT. There were only two documented observations and both times he was said to be under a sheet. Earlier that same day, administrative staff had been alerted to the fact that Mark might be due for immediate release. This was not communicated to him. By the time they confirmed the calculation he had ligatured.

The inquest jury concluded that the decision to transfer Mark to the Segregation Unit on 23 April contributed to his death. They found that the manner of observations, with his body obscured during the purported observations, were insufficient. The jury also concluded that a defect in the system of recall and release from prison that led to Mark's unlawful detention, and contributed to his death. Mark was the second of four men to die in the prison in 2019. The most recent inspection of HMP Woodhill found the prison is 'still not safe enough'.

Wendy Culverhouse, mother of Mark said: "Mark is the light in my life. He just wanted some help. He should have been taken care of, not sent to prison. The coroner and the jury know Mark should not have been in prison. I hope that changes will be made so no family ever has this terrible experience." Jo Eggleton of Deighton Pierce Glynn solicitors said: "The fact that a man in suicidal crisis was recalled to prison by probation officers in relation to a 16-week sentence is bad enough, but in this case it transpired that Mark had 81 unused days due to him. Had probation known that they could not have recalled him. The defect in the system meant that he spent four nights in custody, where he repeatedly expressed that he was in crisis. The ACCT system did not protect him – despite the exceptionality requirement, he was twice placed in segregation by officers concerned with discipline and not his obvious vulnerability. He was then able to ligature in segregation because prison officers ignored that fact he was under a sheet on the two occasions they purported to observe him through the panel."

Deborah Coles, Director of INQUEST, said: "Woodhill has had one of the highest numbers of self-inflicted deaths in prison in recent years, with numerous critical inquests identifying failures in their care. Despite promises that lessons will be learned after every death, they maintain unsafe practices and continue to put people at risk. Mark's imprisonment and subsequent death at Woodhill should never have been allowed to happen. Not only because this prison has had ample opportunity to change, but because there was no lawful basis for his detention. For these failures Mark paid with his life. What would it take for this prison to prevent deaths, and for the Ministry of Justice to take effective action to prevent the imprisonment of people with serious mental ill health, and protect lives in prisons?"

Shots Fired at Event Marking 40th Anniversary Death of Hunger Striker Patsy O'Hara

Patsy O'Hara was the third of 10 prisoners to die in the 1981 hunger strike. The PSNI have confirmed that they are investigating the incident, that took place on Friday night close to 9pm in the Ardfoyle area of Derry. A large crowd gathered at a mural on Bishop Street honouring the Derry man. Video footage circulating on social media showed 15 masked men, some carrying weapons, standing in front of the mural, as a volley of gunfire rings out. Detective Sergeant Boyd said: "Police received a report at around 8.55pm last night in relation to a number of masked men in the Ardfoyle area of Derry/Londonderry. "Police are aware of shots fired in the area. An investigation is underway."

Prisoner Discharge Grant to be Increased to £76 After 26 Year Freeze

Elliot Tyler, Justice Gap: The government has increased the allowance prisoners receive on leaving prison for the first time in more than a quarter of a century to £76. The increase of the discharge grant, which is supposed to help ex-prisoners meet costs in the early days following their release, was just £46 for the last 26 years; however the rise was announced at an event hosted by the social justice charity Nacro. According to chief exec Campbell Robb, the increase had been 'passionately argued for' and would make a 'significant difference to the chances of those leaving prison'. At the beginning of the COVID-19 pandemic, a small number of prisoners received an 'enhanced' discharge grant of £80, but most received just £46 – the amount set in 1995. The enhanced discharge grant was given to those allowed home under a new early release scheme as, according to ministers, they had less time to prepare for their departure from prison. In March, the Justice Gap reported that according to campaigners, more than six out of 10 women prisoners were homeless on release, with only the discharge grant and a plastic bag of belongings. This put vulnerable women at risk, argued campaigners, preventing them from securing regular employment and achieving rehabilitation. 'This is the first increase to the prison discharge grant in over 20 years, and long-awaited positive news,' said Campbell Robb. 'Too often people come out of prison with nothing. If people are unable to afford the basics for a fresh start – food, toiletries, transport – we are setting them up to fail. This increase is a very welcome step towards giving people the best chance of a second chance.'

Inmate Considering Legal Challenge Over Maghaberry Prison Book Ban

The banning of literature by the Prison Service may be subject to a judicial review after a remand inmate was denied access to a critically acclaimed book by a local author. Officials have refused to allow 6,000 Days by Jim 'Jaz' McCann into Maghaberry after it was posted to the man by his wife. The jail also initially banned The Hitmen by Co Down journalist Stephen Breen and fellow crime reporter Owen Conlon, but later reversed that decision. The inmate, who is not charged with any paramilitary-linked offence, is in the enhanced level regime, meaning he is considered a model prisoner. Solicitor Ciaran Shiels of Madden & Finucane said his client, who was born in England, was "never adjudicated upon, (and has a) totally clear record in terms of adverse reports or offences against the prison rules, had passed all drug tests and would be trusted enough to be a cook in the kitchen for all prisoners". "He would be an avid reader and now is in his early 50s." Convicted for a gun attack and sentenced to 25 years, Mr McCann's incarceration coincided with the Government's withdrawal of political status and the commencement of the dirty protest by republican inmates and the hunger strikes that resulted in the deaths of 10 prisoners. Maghaberry has deemed the book by Mr McCann, a former IRA prisoner who is now a school principal, "inappropriate", but has given no other explanation for censoring the recently published work.

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.