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Forensic Inquiry to Examine Andrew Malkinson Case After he Spent 17 Years in Jail

Emily Dugan, Guardian: A new forensic investigation is under way into a rape case that led to a man spending 17 years in prison after DNA linked another unknown male to the crime. Andrew Malkinson was convicted of raping a 33-year-old woman by a motorway in Greater Manchester in 2003. There was never any DNA evidence against him and he always insisted he was innocent, spending a decade longer in prison as a result.

The Criminal Cases Review Commission (CCRC), which investigates potential miscarriages of justice, has now commissioned its own forensic inquiries into the case. It comes after Malkinson's legal team discovered evidence that there was another man's DNA on key samples taken from the victim. The victim said she remembered causing a "deep scratch" to her attacker's right cheek but Malkinson was seen at work with no scratches on his face the next day. Testing using new forensic techniques in 2020 showed traces of male DNA on fingernail scrapings, as well as on fragments of her clothing. This did not match her then boyfriend or Malkinson. The CCRC decides if cases can be referred back to the court of appeal and has twice previously turned down Malkinson's attempts to overturn his conviction, in 2012 and 2020. A new application was made in May last year and the CCRC has yet to decide on it. Since learning that the CCRC would be conducting its own forensic investigation, Malkinson's lawyers have sent it a dossier of 34 suspects put forward during the police's original investigation. These include 21 men with violent records and eight accused or convicted sex offenders. Most were not traced or spoken to by police.

Appeal, a charity and law practice that is representing Malkinson, believes police got "tunnel vision" in the case. Malkinson, who had no previous convictions for violence, said: "I could never do anything like that. They just seemed to fit the evidence around me." Despite nearly two decades of waiting, he has not given up on clearing his name. "I've never lost hope," he said. "I'm telling the truth and that's what gave me hope all through those years." His solicitors say Malkinson did not match key parts of the victim's original description of the attacker. He was three inches taller, had chest hair, when her attacker's chest was described as hairless and shiny, and also had prominent tattoos on his forearms when no tattoos were mentioned. They say Malkinson was from Grimsby and had only recently arrived in Manchester after several years abroad, but the victim said her attacker had a "local accent" with "a tinge" of something else. Malkinson's conviction rested on witness identification, which can be flawed. The solicitors also say information had subsequently come to light that called into question the evidence of two key witnesses. Greater Manchester police (GMP) did not disclose that two key witnesses presented to the court as "honest" had 16 convictions for 38 offences between them, including dishonesty. The two witnesses said they had seen Malkinson near the scene of the crime before the attack while out driving together in the early hours of the morning. Malkinson was also picked out by the victim in a video identity parade, which was carried out at 1am. She told the court she was "more than 100%" certain he was her attacker and he was convicted by a 10-2 majority verdict. Emily Bolton, Malkinson's solicitor and the director of Appeal, said: "Many suspects were put forward to police, including individuals with convictions for rape. "Instead of properly pursuing these leads, police focused their efforts on trying to devise a case against Andy, despite him not matching the victim's description in striking ways and having no track record for violence. We've sent this dossier to the CCRC because we of course would welcome the real perpetrator of this crime being brought to justice. However, the new DNA evidence already presented that excludes Andy clearly justifies sending his case back to the court of appeal."

Malkinson was 37 when he went to prison, saying that DNA would one day clear him. He was released in December 2020 but as a convicted sex offender has struggled to rebuild his life "It's horrible," he said. "My life is on hold until I can overturn the conviction. I can't get a decent job. I'm having to scrape by on the scraps of minimum wage jobs that nobody really wants." GMP said it was aware of the new review by the CCRC and would be assisting it. It has appointed a senior officer to review the case. A spokesperson said a public complaint had been recorded by its professional standards branch "regarding concerns raised in relation to certain aspects of the historical conduct of the case" and for this reason "it would be inappropriate to comment further".

A CCRC spokesperson said it took all its cases seriously, adding: "We have a duty to examine new evidence carefully and assess its impact on the case as a whole and carry out all the investigations we consider necessary to meet our responsibilities. The CCRC said Malkinson's case remained "under active review" and that further submissions from his lawyers needed to be considered, which "inevitably lengthens the time the review will take"

Guidance to Identify Support Victims and Potential Victims of Trafficking In Prison

Following judicial review proceedings brought by the Anti-Trafficking and Labour Exploitation Unit (ATLEU), the Secretary of State for Justice has agreed to commence the development of operational guidance relating to victims and potential victims of modern slavery for staff working in prisons and to use his best endeavours to publish that guidance by 31 October 2022. The Justice Secretary has agreed that the operational guidance will include: notification of reasonable and conclusive grounds decisions to prison staff including key workers; provision for a specific assessment of the modern-day slavery needs of any prisoner who has a reasonable grounds or conclusive grounds decision; provision for prison officers to inform partner agencies, including The Salvation Army, before a potential or confirmed victim of trafficking is released from custody. The Claimants argued that the Justice Secretary's failure to make arrangements for the assessment and support victims and potential victims of modern slavery was (i) discrimination contrary to Article 14 ECHR; (ii) irrational; (iii) in breach of the relevant statutory guidance; and (iv) contrary to the systems duty under Article 4 ECHR.

Prisoners: Literacy and Numeracy

The Prisons Strategy White Paper sets out the government's ambition to equip all prisoners with the literacy and numeracy skills they need to get jobs on release. To support this, HMPPS has introduced new performance measures for English and maths, and we are holding Governors and providers to account for progress. The delivery of face-to-face education was constrained by the pandemic but the numbers of enrolments on literacy and numeracy courses are now back up to, and in some cases exceeding pre-pandemic levels.

The joint report by HM Inspectorate of Prisons and Ofsted on Prison education: a review of reading education in prisons highlighted the need to improve literacy education in prisons. To address its recommendations, we are reviewing the current mechanisms for assessing and recording the levels of prisoners' reading, improving the curriculum guidance given to gover-

magistrates, judges and lawyers ever since video links began to be used. Defendants felt that non-verbal cues were much more difficult to communicate and interpret over video, which reduced their confidence in expressing their point of view. “Strange feeling, almost as if I wasn’t there. Like a hearing going on about me, like a fly on the wall to it. People in court not looking at camera I was viewing, so it felt that proceedings were not directed towards me. Almost as if I was a ghost of me watching it. I worked really hard on my self-esteem in prison, felt deflated and that I had done a lot of hard work for nothing, that [the video-link] burst a bubble.”

“A video-link makes you feel out of sight, out of mind, made me feel a bit s**t. I feel everyone should have the chance to apologise and put their point across, but I didn’t feel able to on a video link”. Defendants were so wary about the negative effects of video that they would only choose to use video link if they felt the hearing was not particularly important – they viewed many remand reviews as a foregone conclusion and therefore not worth making the effort of going to court in person. A huge advantage of in person hearings was that the defendant could communicate properly with their solicitor. In prison, they got scant chance to speak to their lawyer in advance of or after the hearing. “You get a 5-minute window before [the video-link] to talk to your solicitor – not long enough.…It’s a massive thing – your liberty could be at risk, but you are given 5 minutes. If longer, your solicitor could tell you what outcome expecting, what she will put forward, what you want to add. More time could put you at ease more, prepare you for what she says she thinks will happen.”

Concerns about defendants in prison not having enough time to talk to their lawyer have been expressed for years so it’s a bit disheartening that the system has not improved. But the report throws light on one issue which has never cropped up in previous research – defendants concerned that the presence of a prison officer in the video room breaches their rights to confidentiality within the prison. Most defendants felt that the presence of a prison officer (an officer always sits in) prevented them from being open in their hearing. They were nervous the information could be shared with other officers and fellow prisoners. Defendants were faced with Hobsons Choice – either explain their life history and mitigating circumstances of the crime, or risk that intimate information spreading through the prison.

“This officer spoke about these challenges [I have faced in my life] to other staff and inmates which was very uncomfortable for me…I didn’t feel I could be myself as a result of the prison officer in the room – you have a front and a position in the jail to maintain. It would have been demeaning to defend myself in front of the prison officer, you live with them 24/7. There is no confidentiality.” Criminal court hearings are not, of course, private but if a defendant divulges personal details in open court, that information is unlikely to travel very far unless it’s a high profile case. This report is useful. It is the latest of many reports which suggest that video hearings prevent effective participation. But none of these answer the billion-dollar question about video hearings – do they make a difference to judicial decisions, remand, conviction/acquittal and sentencing? All the evidence suggests video leads to more punitive, liberty-limiting decisions, but we need hard data.

Prisoner Charles Bronson Asks for Public Parole Board Hearing Under New Rules

Nadeem Badshah, Guardian: Charles Bronson, one of the UK’s longest serving and most notorious prisoners, has become the first inmate to formally ask for his next Parole Board hearing to be heard in public after new rules came into force on Thursday in an attempt to remove the secrecy behind the process. The Parole Board said a request for the 70-year-old’s case to be heard in public has been received and will be considered. It is understood the application was made on his behalf. A date has not been set for his next parole review, although

it is believed it could be later this year or early in 2023. It is not known how long it will take for the Parole Board to decide on whether the hearing can be held in public.

The public outcry in 2018 over the Parole Board’s initial decision to release the convicted serial sex attacker John Worboys led to changes which allowed greater scrutiny of the process. The new reforms allow case reviews – which determine if an inmate should be freed or stay behind bars – to be opened up to victims and the press. The prisoners in question, government ministers and officials are also among those who can request the case is heard in public. Bronson had been widely expected to request his next parole hearing in public having previously said that he wanted to be the first.

The prisoner, who was born Michael Peterson but changed his name to Charles Bronson and later to Charles Salvador, was jailed in 1974 for armed robbery of a post office and sentenced to seven years in prison. Because of his violent behaviour, he has remained in jail almost continuously and spent much of his time in solitary confinement. It is believed he is still being held at high-security HMP Woodhill in Milton Keynes. He has previously told how he was first sent to jail in 1968 and has held 11 hostages in nine different sieges with victims including prison governors, doctors, staff and, on one occasion, his own solicitor.

Bronson was sentenced in 2000 to a discretionary life term with a minimum of four years for taking a prison teacher at HMP Hull hostage for 44 hours. Since then the Parole Board has repeatedly refused to direct his release. Earlier this week, he sent a voice message to Sky News from behind bars asking why he was still in jail. A Parole Board spokesperson said: “The new Parole Board rules make it possible for parole hearings to be held in public for the first time in some cases where it is in the interest of justice to do so. “It is important to state that the normal position will be for parole hearings to remain in private to ensure that witnesses are able to give their best evidence and that victims are not put in a position that could lead to re-traumatisation.”

Serious Failings: Death of Lance Clark Whilst on Remand at HMP Chelmsford

Doughty Street Chambers: The jury in the inquest into the death of Lance Clark, 53, concluded finding serious failures by prison and mental healthcare staff contributed to his death. Lance was a much-loved father and family man. He had a long history of anxiety, depression and self-harm. During nearly two weeks of evidence the inquest jury heard that, in his four months at HMP Chelmsford, Lance self-harmed in the same way on 14 occasions using a razor blade or a sharp item, and was taken to hospital for treatment on eight occasions due to the severity of his self-harm injuries.

The jury heard: Lance did not have a formal mental health review, and received virtually no help in managing his stress. He did not receive any intervention or treatment from IAPT (counselling) or Full Circle (substance misuse support) despite referrals from the prison psychiatrist on the one occasion (in August 2019) that Lance’s case was discussed; Lance was not managed under enhanced ACCT procedures, which would have involved senior prison managers and ensured all relevant support was available for Lance. His ACCT case manager told the jury he had not heard of the enhanced ACCT procedure, and the Head of Healthcare at the time had never heard of Lance at all; The Prisons and Probation Ombudsman (PPO) found that, as a result of the issues with the ACCT, more junior staff “were largely left to manage the complex problems [Lance] posed without adequate support”. No-one discussed trying to involve Lance’s family in the ACCT process, and his family were not told that he had been repeatedly hospitalised after self-harming. Lance had no input at all from his allocated key worker, and an email about possible support for him from a prison psychologist went unan-

studies underline that such ill effects are by no means common to all trials or jurors, they do suggest that the chances of such traumatization may be enhanced when something in an individual's own past finds an unhappy resonance with an aspect of distressing evidence.

Duty of Care and the Summoned Juror - With the introduction of The Witness Charter in 2008 the government implicitly, if not explicitly, recognised a duty of care owed by the state to witnesses called to give evidence. No comparable duty of care appears to guide the process for summoning, or managing the juror, certainly not in written form. The concept is now common parlance and generally accepted since its early formation which arose from a notorious incident of a slug found in a lemonade bottle, in Paisley, Scotland a century ago. The more tort-uously minded can trace and argue the legal niceties around the terminologies of negligence. There must surely be though a moral if not a legal responsibility to ensure all jurors are provided with adequate guidance and support in order that their public service does not leave them traumatized in the short-term or long-term, and their mental health jeopardised.

Improving Jury Service - Imaginative states in the USA, Australia and some Canadian jurisdictions, are already providing out-sourced counselling services for any juror significantly affected by their trial experience. Even the sacrosanct process of deliberation is being re-evaluated to enable full therapeutic engagement. 'National Juror Appreciation' weeks in some places have served to raise the profile and collectively thank all who serve. Given the pressures on court resources there may be hopes in some quarters that juror support does not find itself too often on the media radar. But this is an issue likely to return repeatedly, especially in our increasingly trauma-informed world, and certainly until the nature of the duty of care owed by the state to the juror is more fully addressed.

Graham Mansfield: Cleared of Terminally Ill Wife's Murder

BBC News: A man who cut his terminally ill wife's throat in a suicide pact has been cleared of her murder. Graham Mansfield, 73, said he slit his wife Dyanne's throat at their home in Hale, Greater Manchester, in March 2021 in an "act of love". He told Manchester Crown Court he had agreed to end her life before taking his own, but it had "all gone wrong". Mansfield who denied murder and manslaughter was convicted of the latter by a jury on Thursday 21st July. Mansfield said he killed his 71-year-old wife, who had cancer, in an "act of love" months after she asked him to take her life "when things get bad for me". The retired airport baggage handler told the court they were the "saddest words he had ever heard", but agreed to his wife's request as long as he could kill himself too.

A jury of 10 men and two women took 90 minutes to find Mansfield not guilty of murder and guilty of manslaughter. He was given a two-year prison sentence, suspended for two years. Mansfield was found lying in a pool of blood at their home in Canterbury Road on the morning of 24 March last year, while the body of Mrs Mansfield was slumped in a chair at the bottom of their garden. Emergency services attended the semi-detached property after Mansfield dialled 999 and told the operator he killed his wife of 40 years the previous evening before trying to kill himself. Mrs Mansfield had bled heavily from a 6in (16cm) "gaping incised wound" and her windpipe had been severed. Three knives and a lump hammer were found near her body. The court heard Mansfield had written a note which read: "We have decided to take our own lives". It also contained instructions on where to find the house keys and how to contact his sister. A second note addressed to his family was also found. It read: "We are sorry to burden you with this but there is no other way. When Dyanne was diagnosed with cancer, we made a pact. I couldn't bear to live without Dyanne and... as things got worse, it only reinforced our decision that the time has arrived. We hope you all understand. Don't get too upset. We have had a wonderful and happy life together."

Deportation of Foreign Nationals and Impact Of Deportation on Children

Doughty Street Chambers: The Supreme Court on Wednesday 20th July, handed down the judgment concerning the principles which govern the assessment of whether deportation of a foreign national would be contrary to private and family life protected by Article 8 EHCR. The key issue before the Court was what test should be applied when looking at whether deportation of a parent would be 'unduly harsh' on a child within the meaning of section 117C Nationality Immigration and Asylum Act 2002. The Court rejected the argument advanced on behalf of the Secretary of State for the Home Department that the 'unduly harsh' test sets out a notional baseline comparator of 'any child' (or 'any child' in that child's circumstances) and the consequences required to meet the test must go beyond the 'usual' consequences for that baseline comparator child.

The Court found that the baseline comparator approach was unworkable because there is 'no satisfactory way to define what the relevant characteristics of a notional comparator child' and in any event would be inconsistent with the duty to have regard to the best interests of the child in question as a primary consideration in accordance with section 55 of the Borders, Citizenship and Immigration Act 2009. This requires having 'a clear idea of a child's circumstances and of what is in a child's best interests' and carrying out 'a careful examination of all relevant factors when the interests of a child are involved'. Further, the notional comparator approach gives rise to the risk that a court or tribunal will apply an impermissibly high exceptionality threshold. As long as the relevant tribunal recognises that the 'unduly harsh' test involves an elevated threshold, it is then for the tribunal to make an informed assessment of the effect of deportation on the qualifying child or partner and to make a judgment as to whether that elevated standard has been met on the facts and circumstances of the case before it.

The Court further rejected the Secretary of State's argument that, in assessing whether deportation would be disproportionate in Article 8 ECHR terms, little or no weight should ordinarily be paid to a foreign national's rehabilitation. It found that rehabilitation, which shows a reduction in the risk of offending, can be a relevant factor in assessing the strength of the public interest in deportation. The weight to be given to any relevant factor in the proportionality assessment will be a matter for the fact finding tribunal, no definitive statement can be made as to what amount of weight should or should not be given to any particular factor.

As to how a tribunal is to approach the seriousness of the foreign national's offence when carrying out a proportionality assessment for the purposes of the 'very compelling circumstances' exception to deportation, the Court found that in general it would only be appropriate to depart from the sentence as the touchstone of seriousness if it is clear from sentencing remarks that factors unrelated to the seriousness of the offence have influenced the sentence arrived at and how they have done so. However, credit for a guilty plea is a matter which can and should be taken into account in assessing the seriousness of the offence. (In appropriate cases, the fact that someone has acted responsibly and acknowledged guilt should be allowed to be put into the proportionality balance as an aspect of rehabilitation, but does not go to the seriousness of the offence). The nature of the offending, in addition to the sentence imposed, may also be relevant although care must be taken to avoid double-counting if this was already taken into account when imposing the sentence.

The Court's judgment also includes a reminder about the judicial restraint which needs to be exercised when considering whether to set aside a decision of a specialist tribunal, in this case the First-tier Tribunal (Immigration and Asylum Chamber). In AA's particular case, the Court found that there was no basis on which the Upper Tribunal could properly intervene with the decision of the First-tier Tribunal which found that his deportation would be disproportionate in Article 8 terms.

nors to ensure they prioritise the teaching of reading, and reviewing teacher capability to ensure that all providers have staff who are properly qualified to teach reading.

To improve support for prisoners with additional learning needs we have started to recruit new support managers for prisoners with conditions such as learning disabilities, autism, acquired brain injury or ADHD. We are also planning to develop a Literacy Innovation Scheme to encourage new providers to work with us to trial new approaches to teaching reading with the aim of driving up quality and improving outcomes across the estate.

Parole Changes – Some Questions Answered, But Many Not…

Prison Reform Trust: The new prisons minister, the Rt Hon Stuart Andrew, has responded to one of our two letters about the recent changes to parole procedures. His letter of 16 July deals with some of the queries we have about the change in criteria for transfer to open conditions. In particular, it makes clear that the new criteria are not intended to apply to any cases considered by the Parole Board or officials in the department before 6 June this year. It also makes clear that probation staff will not be expected to give a view on the "public confidence" element of the new criteria. A revised policy framework for the generic parole process has also been published, incorporating the new criteria.

Unfortunately, neither the minister's letter nor the revised policy framework answer many of the most important questions we asked back in mid-June. There is no clarification at all on how the new test of a transfer being "essential" should be interpreted, nor on what evidence will be relevant to the public confidence test. It's still very unclear exactly who will be taking decisions on which cases within the ministry. The letter is unapologetic about the lack of consultation with anyone outside the department before this change was implemented, or for the fact that the only "evidence" to support the policy appears to have been the recent absconds of "several" high risk prisoners. It is not surprising that so much of the detail remains confused and confusing when policy is made in such a rushed and secretive way.

So we have written again to the minister repeating the questions that his latest letter – and the newly published policy framework – fail to answer. And we will continue to publish our questions and his replies to try to make up for the absence of any other source of official information.

Urgent Action' Required to Address Healthcare Needs of Women in Prison

Holly Bird, JUstice Gap: A report published this week by the Nuffield Trust called for 'urgent action' to address the 'very real' risks to pregnant prisoners. The research carried out by the health thinktank found that 11% of women in prison who gave birth between 2016 and 2019 experienced preterm labour and delivery, compared with 6.5% of the general population. Preterm labour and delivery carry significant health risks to both women and babies, increasing the likelihood of infection, blood loss, and death, among other complications. According to the report, women in prison were twice as likely to miss obstetric appointments as the wider population, with women in prison missing 31.5% of appointments in 2019/20, compared to 16.8% of those in the community. The same year, almost 45% of outpatient appointments for women in prison were missed – an issue currently affecting the wider prison population due to staff availability. The report described missed appointments as a 'long-standing issue (…) showing little sign of improvement'. The capacity of mother and baby units were also highlighted as a problem facing the prison estate. The number of women who have given birth within the last 18 months, as well as the number of pregnant women – two groups entitled to apply for a place in a

mother and baby unit – exceeds the number of spaces available nationally. There are only six mother and baby units in England, with a total capacity of 64 mothers and 70 babies, and none in Wales.

Miranda Davies, one of the report's authors, said: 'If the government remains so set on building new prison places for women prisoners, it urgently needs to get a handle on these specific health care issues for women and how to address them or we continue to put these mothers and children at risk'. A previous report by the Nuffield Trust found that more than one in ten births by women in prison took place outside a hospital setting, meaning they gave birth either in a prison cell or on the way to the hospital. One such case was that of Louise Powell, who gave birth in her in-cell toilet in 2020 after staff ignored her request for an ambulance. Ms Powell, whose daughter Brooke was stillborn in HMP Styal, told the BBC that she was left 'crying for help', and that she will 'never forgive the prison'. A year earlier, a baby died in HMP Bronzefield in Surrey after an 18-year-old prisoner gave birth unsupervised and alone in her cell despite calling for help. The newborn's death prompted ten separate inquiries, including an investigation by the Prisons and Probation Ombudsman (PPO). The PPO's report, published in September 2021, described the prison's response to the calls for help as 'inadequate' and 'unacceptable' and called for wider learning across the prison estate.

"Out of Sight, Out of Mind" – Defendants' Experiences of Video Court Hearings

Transform Justice: "It felt like they couldn't take on board what I said, it felt like what I said doesn't mean anything as it's on a video call. When you go to court you can feel their body language, you know if they are listening to you – on a video link, they might be listening, but are they taking it on board?" (defendant) - It's very rare to get any direct insight into defendants' experience from research. Normally indirect views come from lawyers, support workers or judges. A new report reflects the reality of defendants' experiences of the court and preparation for court – albeit only a small number. The report covers a lot of ground and makes for sobering reading. Defendants find it really hard to understand and engage with court proceedings from start to finish. Prison to court video links are one of the many barriers.

Video links between prisons and the court are set up for all kinds of hearings – for remand reviews, trial preparation hearings, sentencing and occasionally for trials. They have been used since 2000 and their usage increased during the pandemic since they saved travel. The defendants interviewed sometimes chose a video linked hearing, but only for convenience – because they didn't want to risk moving prison, as often happens after an in-person court hearing. Defendants saw no advantage to video hearings except saving time and travel. And nearly all felt that opting for video involved a trade-off since the experience of the video linked court hearing was inferior to the in-person hearing.

Defendants' complaints about video technology echoed those of magistrates surveyed for a recent report on magistrates' courts during Covid. Defendants found it difficult to see everyone in the court and to know who was who. Too often, the audio was poor and connections failed. "Really difficult to get connection to work. Didn't know if I was being stitched up as a result. Told to shush during the hearing, but it's not a nice thing when you can't hear what they are saying about you. Got a transcript a week later but didn't hear everything at the time." "Lost track of who was talking at times, couldn't see prosecution when they were talking."

Technical problems weren't just a nuisance – they caused defendants great stress and prevented them participating in their own hearing. Defendants also had fundamental concerns about video hearings even when the technology worked, concerns which have been echoed by

swered. Despite Lance's history of self-harm, neither prison nor mental health staff discussed Lance's access to razors during ACCT case reviews. A Prison Service safety briefing in April 2019 which required that access to razors must be discussed at ACCT case reviews was not circulated to any prison or mental health staff. An External Agency Investigation Request was submitted by Broomfield Hospital raising concerns around Lance's access to razor blades, following frequent attendances at hospital with cuts inflicted by razor blades. HMP Chelmsford responded that no action was required. No preventative care or support was provided to Lance, he did not receive any 1:1 time with a mental health nurse throughout his time at HMP Chelmsford, and no mental health plan or risk management strategy was put in place when Lance's ACCT monitoring was stopped on 22 October 2019.

Lance was on remand during his time in HMP Chelmsford, and he repeatedly told prison and mental healthcare staff that he was stressed about his upcoming trial which went into the court's "warned list" (meaning it did not have a fixed date). On the morning of 28 November 2019 Lance was dismissed from his job as a wing cleaner after an incident the previous evening. Lance had repeatedly said his job enabled him to keep busy and reduced the time he spent alone in his cell, "spiralling" in negative thoughts. Lance immediately self-harmed by cutting his neck and, despite attempts at resuscitation, died that morning.

The jury concluded that prison and mental healthcare staff did not manage Lance's risk of self-harm appropriately, which contributed to his death (including the failure to manage Lance under the enhanced ACCT process; the failure to implement an April 2019 safety briefing regarding prisoner access to razor blades and to discuss razor blade management at Lance's ACCT case reviews; the way in which the dismissal of Lance from his wing cleaning job was handled; and the failure to adequately risk manage Lance's probability of self-harm in the weeks prior to his death).

Lance's was one of 14 self-inflicted deaths at HMP Chelmsford since 2016. The full inspection of HMP Chelmsford by HM Inspectorate of Prisons prior to Lance's death (in May and June 2018) raised numerous concerns around how prisoners at risk of self-harm and suicide were managed. Inspectors found repeated recommendations from the Prisons and Probation Ombudsman had not been implemented, including poor assessment and management of prisoners' risk of suicide and self-harm. More recent inspections have continued to highlight these ongoing concerns.

Trials and Tribulations of Jury Service

Stephen Hanvey, Justice Gap: One of the jurors serving this summer on the trial of the horrific murder of four-year-old Logan Mwangi, took the unusual step of speaking out publicly afterwards. The juror, a psychologist called Dr Joselyn Sellen described the trauma and emotional impact she and other jurors experienced in hearing and seeing the distressing evidence presented in the trial. Much greater care should be taken she suggested in providing skilled trauma support for jurors who might suffer in this way. Not being able to discuss the trial at the time only exacerbated the stress, she recognized.

Before we minimize this as something unlikely to be repeated in most trials, we should first review the grounds for such confidence. The reality is we simply do not have the data to give us faith in such a stance. Any crime against the person, not the just the murder of a child, horrendous as that is, has the potential to evoke strong responses and amongst some people symptoms of vicarious trauma, as detailed by this juror who bravely went public. Rape, murder, manslaughter and child sexual abuse are regular matters for attention by a newly empanelled jury. The thousands of jurors summoned each year will have no idea as to the type of

evidence they will be hearing until the indictments are read out.

There are a number of important issues raised by this particular case but by no means unique to it. Where is the research to enlighten and guide our jury preparation, support and evaluation? Is there not a duty of care on the part of courts to ensure that vulnerable jurors (we accept the reality of vulnerable witnesses after-all) should not be put in a position of having their mental health and well-being jeopardised or damaged? When the only tools available to the court for aftercare of the deeply affected or traumatized juror are suggestions to phone the Samaritans, or ask a busy GP for a referral for scarce counselling, does this really balance the criminal justice requirement that if called, you must attend? Such questions form my research with the Law School at Southampton University, the focus of which appears below.

What we Actually Know About the Juror Experience - Surprisingly little, is the answer. While American and Canadian researchers have been writing on jurors' experience since the 1990s and the apparent prevalence of vicarious trauma, including at times PTSD symptoms, there have been just two British academic papers (1, 2) over the past 20 years which have sought to find out what can be the actual impact of a trial on the unsuspecting juror. Occasional reviews by the MoJ and a recent article by Professor Cheryl Thomas of the UCL Jury Project point to reassuringly high levels of satisfaction among surveyed jurors.

There are some deeper questions to be asked too such as what may be possible with regards to a range of preparation and support materials during and after such a trial. Might a dedicated psychologist be on hand at the start and end of such a trial for the jury? The HMCTS Central Jury Summoning Bureau undoubtedly do their best, but like every other part of the criminal justice system must experience the same resource constraints.

Why is There so Little Attention Given to Juries? - The absence of any recent substantial British information on the operation and impact of the jury process can be directly traced back to concerns following a breach of jury etiquette during Jeremy Thorpe's trial of 1979. A former Leader of the Liberal Party, the MP was tried at The Old Bailey for incitement and conspiracy to murder. Some jurors caused much consternation by speaking to a journalist about their concerns with the trial's conduct. Thorpe's trial was hastily followed by legislation in Section 8 of The Contempt of Court Act 1981 which seems to be generally interpreted to prevent journalists and researchers looking into any aspect of the jury process. Its proper purpose however is in protecting the privacy of jury deliberation. However, Section 8 may be seen to have provided a 'cordon sanitaire' in relation to external jury studies, although there was precious little academic jury scrutiny before it appeared forty-one years ago.

Emotional Toll for the Juror; Vicarious Trauma and its Prevalence - Some of the first USA studies into the emotional and mental health impact on jurors was initiated by judges there, who realised that they too were struggling with the effects of the evidence presented. While the risk of trauma is undoubtedly increased for American jurors where a death sentence may result from their verdict on certain crimes, researchers have increasingly made the link between the growing understanding of vicarious trauma and a number of professional 'listening' roles. From therapists, through first responders, mental health workers and indeed the legal profession itself, evidence is accruing as to the immediate, if not longer-term, deleterious effects of hearing the harrowing stories of another's suffering.

Both of the British jury studies referenced above give persuasive evidence as to the vicarious trauma experienced by some of the jurors they researched. One indeed points to symptoms indicating Post Traumatic Stress Disorder for one juror as a consequence of their time on a trial. While both

Travellers Wake up After Night on Sleeper Train to Find It Never Left the Station

After a bedding down for the night on the Caledonian Sleeper train on Tuesday - expecting to sleep through a 345-mile journey - passengers woke up to find it had never left the station. Jim Metcalfe, a regular user of the sleeper train service from Scotland to London, recounted the strange events first thing on the morning of 20 July. “In 15 years of using this train, and through many bizarre twists and turns, this has to be strangest yet,” Mr Metcalfe wrote on Twitter. “Wake up, and the train never left Glasgow. It was just sat here all night, and now we have been thrown off it at 5.30am in the wrong city. We were told we had to get off because they needed the platform back. It was more surreal than anything else – I should have been 300 miles away.” The Caledonian Sleeper runs several routes between London and Scotland, with its Glasgow-London overnight service usually lasting seven and a half hours. Passengers can board from 10pm the evening of departure and stay on board until 7.30am the next morning.

Women Offenders Still Being Jailed Despite Pledge to Cut Prisoner Numbers

Rajeev Syal, Guardian: Ministers have made little progress developing alternatives to custodial sentences for women, MPs have concluded, amid official predictions that the female prison population may rise by a third in the next three years. The Conservative-led justice select committee said “there is yet to be any clear evidence” that women are being diverted away from jail despite promises to develop other methods of punishment and rehabilitation. In the report , the cross-party committee said the government has also failed to address the addiction, mental health and trauma issues facing women who enter the prison system. The report calls on the Ministry of Justice (MoJ) to ensure that strategies developed to combat problems in the system are adequately funded, rolled out efficiently and monitored for performance to create meaningful change. Bob Neill, the Conservative chair of the committee, said: “It is disappointing that there is yet to be significant tangible change. The 2018 female offender strategy marked an important step in recognising the needs of women in the criminal justice system, but more needs to be done to understand whether it is targeting the right areas and having a meaningful impact.”

Women in the justice system have distinct needs and worse outcomes than men, previous official reports have found. They are more likely than men to have specific vulnerabilities that drive offending, including experiences of trauma and abuse, and pose less of a serious risk to the public. A key objective of the government’s female offender strategy, which was released in 2018, is to have fewer women in prison. Overall numbers have fallen, from 3,958 in February 2017 to 3,219 in July 2022. However, according to MoJ predictions first published in November, the adult female prison population is expected to be 4,300 in July 2025, up by a third from 3,170 in July 2021.

Analysts at the MoJ calculated that the recruitment of an extra 20,000 police officers, a potential post-pandemic crime rise and longer jail sentences will see prisoner numbers rise. This comes on top of a backlog of 60,000 crown court cases that has grown by 20,000 during the pandemic. The government has indicated that it intends to improve out of court disposals, which are alternatives to deal proportionately with low-level offending without recourse to the courts.

However, MPs said there is yet to be any clear evidence that more women are being diverted away from custody through this route. “The government should set out what funding it plans to put in place to support the development of women-specific pathways to support alternatives to prison sentences. It should also set out a timeframe for when it expects these services to be in operation,” the report said. Andreport echoes conclusions from the National Audit Office in January, which found that the MoJ did not set any programme goals or targets, which limited its ability to assess required costs or value for money.

Commenting on the report, Peter Dawson, director of the Prison Reform Trust, said it was a disappointing read. “The only substantial investment the government has promised since its female offender strategy was published in 2018 is £150m to build 500 additional prison places for women,” he said. “But the strategy’s declared aim was to reduce the number of women in custody, not increase it. “If it wants to be taken seriously, the government must now invest in supporting women in the community, not building more prison cells for them.” A Ministry of Justice spokesperson said: “Custody is used as a last resort for women and since we launched our female offender strategy in 2018, the number entering prison has fallen by nearly a third.”

Stop Punishing Sex Worker Mums by Taking Kids Away, Demand Activists

Lauren Crosby Medlicott, Open Democracy: Every Wednesday, picketers meet outside the Central Family Court in London to protest against the unjust separation of mothers and other primary carers from their children. Among those who faithfully show up each week are the English Collective of Prostitutes (ECP), who demand an end to a perceived labelling of sex-working mothers as being ‘unfit’ to parent because of their work. “Until 2021, only one or two women a year would ask for help fighting a custody case in the family courts,” said Niki Adams, a spokesperson from the ECP. “Since 2021, we have counted 16 women who have gotten in touch.” Adams thinks this rise could be due to an increase in social-service involvement with mothers in recent years. Earlier this year it was reported that social workers’ caseloads have grown in the past year, with more than a third of those surveyed saying their workload is now “completely unmanageable”.

Over the past four years, between 1,210 and 1,840 children in the UK have been adopted each year without the consent of their parents. When mothers are victims of domestic violence, Adams says police and social services often fail to provide protection and support – instead starting proceedings to take away their child on the grounds that she isn’t protecting them from a violent man. She added: “Social services are prejudiced and sexist in their treatment of women and mothers generally, and this is compounded when women are immigrant[s] and doing sex work. “We have seen this with sex-working mums, who despite their massive efforts to escape violence, are judged, with social workers implying the woman was putting her child at risk.” Adams claimed staff from social services have accused sex-working mums of leaving their children unattended to work, prioritising men and money over children’s welfare, and putting their children at risk with their sexual history. “Social services’ starting point is that mothers who are doing sex work are bad mothers or suspicious or irresponsible. They are deeply disrespectful and dismissive of the bond between mother and child,” said Adams. “The trauma of losing your child leaves an indelible mark. Women never really recover. Women describe thinking of their child every day of their life, every time they sit down to eat they wonder if their child has eaten, whether they are clothed, whether they are in danger, whether they are happy.” *Social Work England, which regulates social workers in the country, declined to comment when approached by OpenDemocracy.*

A Few Well Chosen Words . From the Screws on Entering Prison

Come in, come into our reception, We will soon change your perception. Thought out in civvy street you were a Mr. Nice? We’ll soon make you as cold as ice. We will use you, we will abuse you. We will confuse you, By then we will amuse you! You will laugh if you see others cry. You will have hysterics when others die. We are gonna change you, Into a mean, mean guy. We can’t have you out there in the gutter. Come in, you’re our bread ‘n butter.