Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

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Prison Reform Trust Comment: HMP Exeter - Urgent Notification

Commenting on the announcement today (18 November) that HM Chief Inspector of Prisons has issued a second Urgent Notification to HMP Exeter, Peter Dawson, director of the Prison Reform Trust said: "The human cost of our chronically overburdened prison system is laid bare by this damning report. 10 lives lost to suicide in four years. Time after time, the inspectorate describes prisons that do not keep people safe, and the same themes of chaos caused by overcrowding, inadequate staffing and permanent crisis management emerge. This wouldn't be tolerated in any other public service, but ministers continue to pursue policies that pile the pressure on to a prison system that very plainly cannot cope. Exeter prison is a strategic and political failure just as much as an operational one."

Dominic Raab Minister of Justice - Urgent Notification: HM Prison Exeter

1. There have been 10 self-inflicted deaths in the last four years. This is despite us highlighting our grave concerns at the 2018 inspection before which there had been 6 suicides and in 2016 before which there had been 10. 2. The arrangements for inducting and monitoring prisoners in their first few weeks at the jail, when they are often most at risk, are inadequate. Regular checks are not done, and the supervision from healthcare staff for those prisoners who are substance misusers is poor. 3. The staffing of senior leadership positions has been unstable, with 8 deputy governors and 8 heads of safety since we last inspected. Without these and other critical posts having been permanently and consistently filled, basic standards have not been maintained. 4. Ratesofself-harmattheprisonarethehighestofanyreceptionprisonin England and Wales and in the last year have been 44% higher than they were in the year before our last inspection. 5. In our survey 77% of prisoners told us they had a mental health problem, some of whom arrive in the prison having been returned from secure hospitals, but the provision of mental health care is not good enough, with too few staff to provide adequate support. 6. Vulnerable prisoners usually spend their first days housed alongside the main population. As a result, they are locked away in their cells for long periods of time and are often subject to abuse through their doors from fellow prisoners. 7. Prisoners are locked in often cramped cells for too long with most spending 21.5 hours a day behind their doors. This is despite the jail having enough provision for all prisoners to be in, at least, part time work, education or training.

Support from the prison service to Exeter has not been good enough since the 2018 inspection and there has not been the sustained improvement that we expect to see as a result of an urgent notification. The prison needs a period of leadership stability, with adequate staffing, much better performance from partners such as healthcare and education, improvements to the physical environment and a relentless focus on making sure that the many vulnerable prisoners at the jail are kept safe.

Criminal Justice Trends November 2022 - A Mixed Picture

Rusell Webster: The latest edition of the Criminal Justice Statistics Quarterly published 17th November 2022, and covering the year up to 30 June make for interesting reading as some of the trends from the impact of the pandemic become clearer. While activity in the criminal justice is rising again, the picture is very varied and some interesting nuggets of information emerge.

To be honest, one of my main motivations for writing this post was to include the fantastic graphic included in the bulletin which summarises the entire flow through the justice system. It is reproduced below and, amongst many other things, it shows that the 6,470,523 recorded crimes resulted in 55,742 immediate custodial sentences, 68,207 community sentences and 38,700 suspended sentences. Overall Activity Levels: 1.35 million individuals were dealt with by the CJS in the year ending June 2022, up 6% on last year but still below pre-COVID levels.

Out Of Court Disposals decreased by 1% in the most recent year, whilst community resolutions increased by 8% to 139,000. Prosecutions increasing by 7% and convictions by 10% when compared with the previous year. However, prosecutions remain 16% and convictions 15% lower than in the year to June 2019. The most interesting point here is that prosecutions for indictable offences were 14% down, whereas prosecutions for summary offences were 13% up. Most of the increase here was driven by a 14% increase in prosecutions for summary motoring offences recording the highest volume seen in the last ten years, and an 11% rise in summary non-motoring offences. The proportion of defendants remanded in custody at Crown Court increased again and is now 39%. Worryingly, the number of defendants remanded in custody increased by 13% in the latest year (30,900 to 35,100), after remaining steady in the few years prior.

Points of Interest: Even within this clear emerging trend of Magistrates Courts and summary offences getting back to their pre-pandemic levels while the backlog in Crown Courts and indictable offences remains unmoved, there are complications. Overall, prosecutions for indictable offences have decreased by 14%, but prosecutions for violence against the person and sexual offences have increased, by 21% and 17%, respectively, when compared to pre-COVID levels in the year ending June 2019. Fraud has seen the largest increase, rising by 7 percentage points from the year ending June 2021, to a custody rate of 32%. Drug offences also increased by 6 percentage points since the year ending June 2021, up to 29% in the latest year. This focus on serious offences is reflected in the custody rate which has risen to levels seen pre-pandemic at 33% in the latest year, after a fall in the year ending June 2021. The average custodial sentence length (ACSL) for indictable offences has continued to rise from 22.6 months in the year ending June 2021 to 25.7 months in the latest year. The largest increases are seen in sexual offences (from 54.3 months to 64.3 months in the latest year) and drug offences (from 39.0 months to 43.7 months in the latest year).

People Commit Crimes to Find Winter Warmth in Prison

A Labour MP has claimed that people are deliberately getting sentenced to prison so they can obtain free food and shelter during the cost-of-living crisis. Nadia Whittome, the MP for Nottingham East, said that during a visit to Nottingham prison she was told by staff that they were expecting to see more such new arrivals as winter draws in. The MP said on social media after her visit: "Awful to hear of people turning to crime in a cost-of-living crisis to get food and shelter in prison."

She later expanded on the topic in a statement published in the Nottingham Post, saying: "I recently visited HMP Nottingham where I met with staff and learnt more about the challenges they face, from staff shortages to budgetary pressures, and the impact this has on prisoners. It was particularly concerning to hear that over winter, the prison is anticipating the number of inmates who have deliberately committed crime in order to be housed and fed to grow." Pointing the finger at ministers, she added: "In the world's sixth largest economy, everyone should have a safe place to live with enough food to eat. This is a damning indictment of the government's failure to support vulnerable people and tackle the cost-of-living crisis."

Dominic Raab Makes it Harder for Lifers to Progress Towards Open Conditions

Reforms to parole rules introduced by Justice Secretary Dominic Raab appear to be making it significantly harder for life-sentenced prisoners to progress to open conditions, early figures suggest. Since June 6, people serving an indeterminate sentence – including life or Imprisonment for Public Protection (IPP) – have had to pass a stricter test to be considered eligible for a move to an open prison. Data released by the Ministry of Justice show that in the six months prior to the rule-change, 133 applications to move to open conditions from prisoners in the final three years of their 'tariff', or minimum period in custody, passed the Ministry's "pre-tariff sift" and were referred to the Parole Board for consideration, while 113 were rejected – a success rate of 54 per cent. However, in the four months after the rules changed, only nine such applications were referred to the Parole Board while 65 were rejected – a success rate of just 12 per cent. The figures were disclosed by Justice Minister Lord Bellamy on October 27 in response to a written question from Crossbench peer Baroness Prashar.

Responding to the figures, Peter Dawson, Director of the Prison Reform Trust, said in a blog post: "It beggars belief that ministers are so determined to keep lifers out of open prisons. Doing so forces the Parole Board to see cases for the very first time following their tariff expiry date, keeping people stuck in a closed prison without any of the benefits that an open prison provides to prepare someone for release." Dawson said the new Government approach would increase pressure on prison places, adding: "It will also have devastating consequences for the people who are denied the chance even to put their case to the Parole Board—typically people who have done everything asked of them over many years spent in prison."

Under Raab's new rules, an indeterminate-sentenced prisoner will only be considered for a move to open conditions if they pass three tests: They are assessed as low risk of abscond; and A period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community; and A transfer to open conditions would not undermine public confidence in the criminal justice system. Under previous policy there was no requirement for time in open conditions to be 'essential to prepare for possible release', or an explicit requirement to consider what would 'undermine public confidence'.

Curb on Prisons' Using Social Media

Prisons have been banned from using social media to promote prisoners' activities and events – without prior approval from the Ministry of Justice. An instruction issued to all prison governors says that plays, concerts, or celebrations to make prisoners' achievements should only take place if they do not "undermine public confidence" in the prison system. It adds that "prisons are required to engage with HM Prison and Probation Service Communications Team before publishing any external communications pertaining to any activity covered by this Instruction". The Communications Team is a part of the Ministry of Justice press office.

The new rule updates guidance originally issued by Jack Straw, then the Labour justice secretary, in 2009, in the wake of a fancy dress Halloween party held by women at Holloway prison. A photo of 10 women, including convicted murderers, wearing horror costumes appeared on the front page of the Sun under the headline 'Monsters' Ball'. Straw instructed governors that activities within prisons must meet a "public acceptability test" and that staff "must consider how the activity might be perceived by the public and by victims". However, his rules – issued in the days before social media took off – did not include any restriction on prisons publicising events.

The new rulebook, issued on November 2 and titled Prison Service Instruction 38/2010, says that "the Ministry of Justice recognises the valuable contribution that creative activities can make, particularly with those prisoners who are hard to engage in other types of programme, in tackling offending behaviour, in ensuring their engagement with the regime and the offender management process, and in improving prisoner behaviour and tackling safer custody issues". It adds: "The appropriate use of such activities is perfectly acceptable."

However, it says it is also essential that "what happens inside prisons can be justified to those on the outside". Activities should only be approved if they are constructive and contribute to one of a range of positive outcomes for prisoners – such as generating positive social interaction, developing interpersonal skills, contributing to emotional well-being or building family ties. The rules apply equally to governors of public-sector prisons and directors of private prisons. Many prisons nowadays use Social Media regularly to promote activities aimed at rehabilitating prisoners – ranging from drama workshops and art displays, to breeding birds of prey.

COA Judgment in Conscientious Protester Elliott Cuciurean's Appeal

The Court of Appeal has allowed the appeal of Elliott Cuciurean in part, quashing the £3,000 fine imposed by Mr Justice Ritchie, but maintaining his 268-day sentence of imprisonment. The Court also made a number of criticisms of the High Court Judge's handling of the appeal, which it described as "unprincipled". Unusually, the Court was divided on whether Mr Cuciurean was bound by the "persons unknown" injunction but ruled by a 2-1 majority that he was. The case raises important issues as to when protesters can be found in breach of "persons unknown" injunctions and how they should be sanctioned.

Elliot Cuciurean is a committed protester against HS2 which he considers is causing irreversible and unjustified damage to the environment. In In September 2022, Mr Justice Ritchie in the High Court found Mr Cucuirean in contempt of an order which prohibited tunnelling under HS2 land at Cash's Pit in Warwickshire, imprisoned for 268 days and imposed a fine of £3,000. He found that Mr Cucuirean had taken part in a protest by tunnelling under Cash's Pit for 46 days. Mr Justice Richie also refused to consider an argument raised by Mr Wagner on Elliott's behalf that the wording of the order did not bind him, because he was not named (unlike 19 other defendants) in the injunction and could not be a "persons unknown" because he was a named defendant in the proceedings. The Judge ruled it had been brought too late. He described the argument as "strained, subjective, inappropriate and wrong". After the argument was made, but before ruling upon it, Mr Justice Ritchie informed Mr Cucuirean, through his counsel, that if he pursued it he might be penalised for doing so when being sanctioned.

Mr Cuciurean appealed to the Court of Appeal on both liability (on the basis that he was not bound by the order) and sanction. - COA judgment, Lord Justices Coulson, Edis and Phillips) allowed the appeal in part: The Court unanimously quashed the £3,000 fine, ruling that it was "not appropriate to fine the appellant.... He has no assets, and was the subject of a term of immediate custody... a fine is usually inappropriate for an impoverished protestor serving a term of imprisonment" (paragraph 93). In addition to quashing the fine, the Court criticised various aspects of how the High Court Judge had managed the case: The Judge should not have dismissed Mr Cuciurean's submission on the meaning of the injunction on a matter of procedure. The Judge "erred" by dismissing Mr Cuciurean's argument as a matter of procedure (paragraph 31). It was "erroneous" for the Judge to treat the raising of an argument on the construction of the injunction as relevant to Mr Cuciurean's "insight" (paragraph 59) The Judge had "no right to offer some sort of 'deal' to the appellant or to

suggest that, if the appellant pursued his argument on liability, he might be penalised for doing so". This was an "unprincipled approach which might have prevented a defendant from ventilating a legitimate defence". It should "not have happened" (paragraph 62) and was "quite wrong" (paragraph 101). It was not appropriate for the judge to impose a "tariff" in calculating days he would spend in prison (paragraph 94). *Despite these criticisms, the Court ruled that the sentence of 268 days imprisonment for breach of the injunction was not manifestly excessive so did not overrule it.*

The liability issue: The Court of Appeal was split on the issue of whether the injunction bound Mr Cucuirean or not. Lords Justice Coulson and Edis, in the majority, ruled that he was bound because even though there was an alternative "plausible" interpretation of the order which did not bind Mr Cuciurean, it was "clear and sensible" to interpret as if he was bound. Lord Justice Phillips disagreed. He agreed with Mr Cucuirean's case that the order did not bind him, because he could not be both a named defendant to the proceedings and also be caught by the part of the injunction which bound "persons unknown". He ruled: "It is plain that D33 is not only a "known" person for the purposes of the proceedings and the Order, but is "known" as a person who may subsequently enter the CPL, as expressly referenced (and for which relief is granted) in paragraph 6 of the Order. In those circumstances, I cannot see how D33 could fall within the definition of person unknown within the rubric of D1."

- Permission to appeal to the Supreme Court was refused.

Former Inmate Crafts a Harrowingly Authentic Prison Drama

Mark Fisher, Guardian: That Ric Renton's gripping new play has the tang of authenticity should not come as a surprise. The playwright spent his early adulthood behind bars, so he is on firm ground with a drama set in HMP Durham. He has witnessed first hand the fear, desperation and violence of a Category A wing and, having discovered the English dictionary during a spell in solitary, he now writes with authority about three inmates doing time under the eye of a benign warder. Renton has an ear for their language (the published script comes with a glossary) but also a shrewd understanding of the men's vulnerability and volatility. While the playwright is the happy ending of his own story, he writes with realism not romanticism. There is the occasional laugh but you could not accuse him of pandering to liberal sensibilities. This world is bleak.

Less of a given is how much Jack McNamara's production builds on the authenticity. You see it in the staging: austere and claustrophobic, making a four-hander seem cold and atomised, as if a set of monologues had accidentally collided. Verity Quinn's set could hardly be more simple, three grave-like oblongs representing each cell. They are made pallid and grey beneath Ali Hunter's unforgiving lighting. In this inhospitable place, even the strip lights are pockmarked. Adam P McCready's sound design rumbles and ruptures in sympathy. Above all, you see it in the performances. McNamara's cast ask for no sympathy. Renton himself plays Shepherd, who is back inside after an apparently accidental violation of his parole conditions. For all his bookish aspirations, he can be surly and impulsive. That is even more the case with Ricky Shah's Knox. In for kidnapping, he is reasonable one minute, ferocious the next. Wittering to himself in the third cell, Ryan Nolan's Brown comes across as a drug-addled pleasure seeker until we see the neglected child within. Even Malcolm Shields as the empathetic guard seems to be going through a crisis of masculinity. "One off" is the term used by the guards to describe prison suicides, a detail that lends political weight to Renton's portrait. For all their unloveliness, these are damaged men trapped in a self-destructive spiral. Subjecting them to these conditions is no cure for anything.

Joint Enterprise Campaigners Evicted From Parliament by Police

Jan Cunliffe, JENGbA: It was the first hearing of our private members' Bill in the House of Commons. A Bill which aims to tackle the appalling injustice within the appeal system in England and Wales for those convicted under 'joint enterprise' law. Campaigners and supporters travelled from far and wide to hear it live in the public gallery at the House of Commons. As campaigners we have always been peaceful. Even through the pain of injustice we have never shown anger or disrespect. We have always been mindful that there is a victim and their family in every case we support. Joint Enterprise has torn our lives apart and we believe an unworkable appeal system tears their lives apart too. No one wants the innocent convicted to a life sentence for a murder the trial process proves they did not inflict. It has always been love that has kept each of us going. As we passed through security, some of us were greeted by security staff who recalled seeing us the day before at a meeting we held across the road at Portcullis House. A positive meeting full of hope. As the clock ticked closer to the 10-minute slot allocated to Barry Sheerman MP's reading of the Bill, the security team entered the public gallery picking off individuals asking them to leave. Eventually my turn came. I asked why? I didn't refuse but I made my way back upstairs to the corridor, thinking I would receive an explanation there. I did this with great difficulty as I was on crutches due to an accident days earlier.

Going to London was a hard decision. I knew I'd be in pain but to be in the House of Commons listening live felt like physically being part of history in the making. Just as it had been in 2016 in the Supreme Court. The day our most senior judges acknowledged the law took a 'wrong turn' in 1984. Back then the ruling in the case of Jogee2 validated all we had said about the common law of Joint Enterprise. A bittersweet victory because gaining appeals as we had expected back then proved impossible due to the unreachable 'substantial injustice' test. A test to date that has only been attained by two people. 32 years of injustice followed by a landmark judgement that inserted a 'test' that would deliver further injustice. Yet we did not give up.

However, what should have been a joyful experience turned quickly into humiliation. We were escorted out of the public gallery and back down to the Great Hall. Not only House of Commons security but to our disbelief the police swarmed as if we were criminals. I was in shock and asked if I could have a drink of water before leaving. I was told quite aggressively by a police officer no and that I must leave immediately. I asked if I was going to be arrested. I asked if there was someone in my company that had done something wrong and if I was being made accountable for whatever it was they had or may have done? Was this a joint enterprise? It became even scarier as dogs appeared and the police formed a line across the Grand Hall. It felt like we were being kettled. As if we were trouble to be dealt with. To be removed because we were not entitled to be there. Not entitled to hear the first step in the Bill written by young lawyer and JENGbA campaigner Charlotte Henry, which the prisoners we support have spent years waiting for. Our right to be in the House of Commons, as members of the public, was being denied and no one could tell us why.

However, they could tell us that we must ALL leave the building. The irony: we enter this public building to hear a joint enterprise criminal-appeal 10 minute presentation, and are hurled out as a joint enterprise. Joint enterprise what? Security risk? No one can tell me! There was mention of someone having had glue and a homemade banner removed from their person as they entered the first door of the building. The words 'Extinction Rebellion' could be heard from security staff. With the help of one of JENGbA's lawyers, instead of being escorted from the building we were eventually led into the Jubilee Room to watch the reading on a television screen. As expected, it passed this first stage and was backed by 12 cross-party MPs. The Bill will no doubt face challenges along the way, but if this debacle is anything to go by it may be even harder than we expected. We know from past experiences how injustice, once

it takes hold, is like a cancer, ravaging every good opportunity and turning light into darkness with no logical explanation. In true JENGbA spirit we left the Jubilee Room and waited outside for Barry Sheerman so we could thank him for his support and for being brave enough to tackle an issue very few care about. Unless of course it happens to them. He took us onto the terrace at the House of Commons, peacefully passing security staff and we sat in the sunshine overlooking the River Thames, quietly smiling in celebration. Campaigning isn't easy but when I think about all those men, women and children convicted using the wrong interpretation of the law, sitting in their prison cells year after year, I feel very fortunate.

Patrick Campbell's Widow Settles Alleged Collusion Case (NI The Troubles)

The elderly widow of a Catholic man who was shot dead almost 50 years ago has settled legal action over alleged security force collusion with a notorious loyalist gunman. Patrick Campbell, a factory worker from Banbridge, was killed in October 1973. The legal action was around the role played by the UVF leader Robin "The Jackal" Jackson in his murder. Margaret Campbell, 84, is to receive a "significant" undisclosed pay-out as part of a civil claim against the PSNI. She was in court with her family when lawyers announced that a confidential settlement had been reached. She said the outcome was vindication in her long fight to secure justice for her late husband by highlighting the failed investigation into his murder. Mr Campbell was gunned down in front of his wife and children at their family home. No-one has ever been convicted. Jackson, a one-time Ulster Defence Regiment soldier and suspected RUC Special Branch agent, has been linked to more than 50 murders carried out by the so-called Glenanne Gang - a loyalist group based in the Mid Ulster area during the 1970s. He is widely believed to have been one of the two assassins. He was arrested and charged but the case against him was then dropped.

Identity parade: Mr Campbell, a trade unionist and father-of-three, is thought to have been Jackson's first victim. The two men worked together at a shoe factory in Banbridge and reportedly had a disagreement over the stopping of machinery following the deaths of three British soldiers. A week after the shooting police recovered 79 rounds of ammunition at Jackson's home. He was then detained and put on an identity parade where Mrs Campbell singled him out as the gunman. RUC officers also recovered a notebook with names, addresses and vehicle registration details all of which came from UDR intelligence sources, it is alleged.

Jackson, who died in 1998, was expelled from the UDR. It is believed he went on to carry out some of the worst atrocities of the Troubles, including the 1975 Miami Showband massacre. No admission of liability: Mrs Campbell claimed that Jackson was unlawfully protected during his campaign of terror. She sought damages for alleged police and military failings, including negligence and misfeasance in public office, in a case where a former RUC officer and two ex-military intelligence officers were set to give evidence about Jackson's alleged role. However, her action against the chief constable was resolved on confidential terms which involve no admission of liability. Judgment was entered for the Ministry of Defence (MoD) in the claim against it. The judge said: "I can imagine no greater trauma than having to relive events in open court. "I hope this brings closure to Mrs Campbell and her family," he added. The family's solicitor, Kevin Winters of KRW Law, described it as the end to a difficult and fraught eight-year legal journey. "This morning's announcement on the payment of an undisclosed but significant settlement figure to the family does send out a clear message, the Campbell family's determination to see this through is commendable. I've no doubt it will be inspiring to other families of victims of the Glenanne Gang and all other conflict bereaved."

Women Leaving Prison Struggle to Access Adequate Housing

Natalie St Pierre-Jubb, Justice Gap: The Manchester Evening News reported that '77 percent of women from the UK's largest women's prison faced homelessness on release in July 2021.' Women leaving prison continue to struggle to get access to adequate housing. Seeking shelter has become an increasingly pressing issue with imminent cold weather ahead, which is exacerbated by the continuing housing crisis.

Incarcerated women are more likely than men to become homeless when released from prison, Ministry of Justice data shows. This has proven to be a continuing criminal justice issue with very little to no effort made by the Homelessness Reduction Act (2017) to address the housing needs of vulnerable women. Out of necessity, many women released from prison turn to sex work in exchange for a place to sleep, says Dr. Jenny Earle, from the Safe Homes for Women Leaving Prison initiative. The recent crisis comes almost a year after the Safe Homes for Women Leaving Prison in collaboration with the Prison Reform Trust released a report calling for "urgent action by actors across the criminal justice system to combat failings that result in 6 in 10 women released from prison, many of them suffering from multiple vulnerabilities, without access to safe and secure housing."

Unfortunately, a lack of secure and safe housing can lead women back to prison, says the Prison Reform Trust. Some women commit further crimes out of necessity, thereby trapping them in an ongoing cycle of offending. It is not uncommon for women return to custody just to avoid homelessness. A lack of stable accommodation is a significant barrier to successful rehabilitation because 'it makes it harder for women to secure employment or training, arrange benefits, and re-establish contact with children and families.' Polly Neate, chief executive of Shelter, believes that the government is not doing enough to support previously incarcerated women facing homelessness. Neate says that 'to end homelessness for good and give people a real chance of a secure and stable home, building decent social housing is the only answer.'

Gambling in Prison

Interesting new research (published 18 November 2022) looks at gambling in an English prison. "Gambling and crime: An exploration of gambling availability and culture in an English prison" Steve Sharman & Amanda Roberts looked at four main issues: the prevalence and type of gambling occurring prior to and within prison; the reasons prisoners give for their gambling; the currency used for gambling within prison; and the prevalence of gambling-related borrowing and debt within prison. The research two hundred and eighty-two volunteer participants were recruited at a category B, adult male prison located in England. The research is based on questionnaires which were administered between March 2018 and February 2019.

Gambling prior to prison. One-hundred and eighty-five participants (66%) reported gambling before this imprisonment, at some stage during their lifetime. Of these, more than a quarter (28%) were in the moderate or problem gambling risk categories. The most common types of gambling prior to prison were: Gambling machines (slots) 49%, Sports (46%), Horses/greyhounds (42%), Lottery (37%), Casino (36%), Online gambling (33%), Card/dice games (24%), Gambling in prison

One hundred and twenty-six participants (45%) reported gambling in prison. One-hundred and sixteen (92%) of these were people who had also gambled prior to prison but there were 10 participants (8%) who had not reported gambling prior to prison but reported gambling in prison. Eighty-one participants (30.3%) reported that gambling was a normal part of prison life. The most common types of gambling in prison were card/dice games (52%), sports (46%) and ball games (21.6%).

Less common types were horses/dogs/animals (14%), and other (14%). This included gambling on sexual favours, what happens on TV, time of cell unlock and 'Fight Club'), board games and other people's behaviour, such as the outcome of someone smoking psychoactive substances).,The researchers were not able to clarify the exact definition of 'fight club' but it was thought to be organised fights, sometimes where prisoners are forced to fight other prisoners by their peers.

Of those who reported that they gambled in prison, 23 (19%) reported that they borrowed money from other prisoners in order to gamble.,The research found that over 30% of participants reported that gambling is a normal part of prison life. Card/dice games, sports and ball games were the most common types of gambling in prison. Interestingly, gambling on people's behaviour was more likely among those who scored as higher risk on the Problem Gambling Severity Index (PGSI) self-screening tool which was administered as party of the survey. It was not clear from the research whether gambling on people's behaviour was relatively benign in motivation (such as betting how long it takes for an officer to answer a cell bell or unlock a door) or had more violent connotations (such as betting on a prisoner's reaction to taking psychoactive substances, or betting on the outcome of a fight between prisoners). The researchers also found that winning prizes, excitement/challenge and relieving boredom were the most common reasons for gambling in prison.,Illegally held cash and canteen items were the main currencies used for prison gambling. Worryingly, one in five prisoners reported borrowing from other prisoners to support their in-prison gambling and, of those who had borrowed, over half had not repaid the debt. This research provides excellent insight both into the prevalence of gambling problems amongst people in prison (over a quarter of this sample) and of the nature of prison gambling. Current large-scale gambling surveys being undertaken by GamCare and HMPPS will increase our understanding further.

Gerry Adams: Appeals for Compensation Over Quashed Convictions

BBC News: The former Sinn Féin president won an appeal to have his two historic convictions overturned in 2020. He is challenging a Department of Justice decision to refuse a payout. Mr Adams' lawyers said the legal test for an award made to victims of a miscarriage of justice had been met. In 2020, he won his appeal to have his two historic convictions overturned. He had been found guilty of two attempts to escape from lawful custody while being held without trial at the Maze Prison - then known as Long Kesh internment camp - in 1973 and 1974. He was later sentenced to a total of four-and-a-half years in jail. However, the Supreme Court ruled that his detention had been unlawful and quashed both convictions. The interim custody order (ICO) used to initially detain him was held to be invalid because the then-Northern Ireland secretary, Willie Whitelaw, had not personally authorised it. Mr Adams issued judicial review proceedings after a subsequent application for compensation was turned down. Under the statutory scheme, payment for a miscarriage of justice is made in cases where "a new or newly discovered fact" shows the person did not commit the offence. 'Not lawfully detained' Mr Adams' lawyer argued that he qualified based on the circumstances established by the Supreme Court. "There is in this case a newly discovered fact in the form of confirmation that there was no personal consideration by the secretary of state, and that (another) minister of state signed the ICO without authorisation to do so," he said. "If the applicant was not lawfully detained, he did not commit the offence he was convicted of. "The newly discovered fact led to the quashing of these convictions," he added. However, a lawyer for the Department of Justice said it was the analysis of a legal point which led to the guilty verdicts being overturned. "The convictions were not reversed on the grounds of a new or newly discovered fact," he said. The judge reserved judgment but said he would make his decision as soon as possible.

Joint Enterprise and the Need for Transparency, Accountability and Proper Data

Helen Mills, Justice Gap: This week the Centre for Crime and Justice Studies published a second edition of the Usual Suspects, a report which looks at the best available indicators of joint enterprise prosecutions and convictions for over a decade. Seven months on from our original report, why are we releasing a second edition? The short answer is because we realised we did not get everything quite right the first time round. And in a subject as opaque and controversial as joint enterprise, clarity is much needed. Secondary suspects: There are no changes to our substantive findings. The data, obtained through freedom of information requests to the Crown Prosecution Service and the Home Office, also remains the same. As do our key recommendations and messages.

What has changed is adding a definition for a key source we used to assess the use of joint enterprise: the number and demographics of 'secondary suspects'. We used secondary suspects as one of the best available approximations about the use of joint enterprise laws. Which it is. But our original report did not clarify who a secondary suspect is. Secondary suspect is a term used in the Home Office's Homicide Index. It applies to those who are prosecuted, and (somewhat confusingly to common parlance) to those who are convicted, of a homicide offence, in multi-defendant cases, excluding one person. Excluded is the person deemed by the police to be the most involved in the homicide or to have had the closest relationship to the victim, or, in the case of conviction, the person who received the longest sentence, or most serious conviction. The excluded person is termed the principal in the Home Office Index. Only one principal can be identified per homicide victim. The importance of this distinction for those looking to understand the use of joint enterprise, is that secondary suspect is not a definition of secondary liability. It includes all circumstances in which two or more people are prosecuted or convicted in relation to the same homicide, so includes joint principals in common – those deemed equally culpable for an offence, not only those charged or found guilty as an accessory or secondary.

Opaque practices: It is not known with certainty how many people are currently imprisoned for murder because they were deemed a secondary or accessory, rather than the principal offender. It is not known because it is not recorded. One reason given for this lack of recording is that it is too difficult a task. True, no one is convicted of joint enterprise. An individual is prosecuted for an alleged offence which must be defined. The basis for their being held responsible and culpable, whilst essential to their prosecution and potential conviction, does not have to be similarly distinguished. But this seems more of a convenient obstacle than an insurmountable one. When multiple individuals are being charged in relation to the same homicide, if the person deemed by the police to have had the closest relationship to the victim can be recorded, surely some key indicators regarding the grounds for being held responsible and culpable for the offence can be too? The Justice Committee thought so, and recommended improved data collection as part of their inquiry into joint enterprise back in 2012. Researchers who accessed Crown Prosecution Service case files as part of an exploratory study of the use of joint enterprise thought so too. Their report, also now published some years ago, in 2016, sets out a number of practical ways better data collection could be achieved. They include: Adding a question about whether someone is charged as a principal, an accessory, or as either a principal or accessory. Identifying the basis for charging an accessory. Including recording when an individual is deemed to have assisted an offence without being present. For homicide offences it would also be valuable and feasible to record the reason why alternative (lesser) charges were not pursued for those charged as accessories. Historic injustice: In addition to improved data collection about current practices, better information about his-

toric practices should not be overlooked. In 2016 the law on secondary liability was found to have taken a 'wrong turn' for over thirty years regarding the application of 'parasitic accessorial liability', or foresight for another's actions. Yet no retrospective assessment has been made about the number or proportion of individuals imprisoned for murder and manslaughter following a multi-defendant case where parasitic accessorial liability or foresight was cited. Towards accountability: Gloria Morrison, from the campaign group JENGbA recently gave an update about the legal action JENGbA is taking against the Crown Prosecution Service in the hopes of securing the now long promised better data collection about joint enterprise. Let's hope they succeed. Better data collection is both eminently possible and essential to holding these unjust laws to account.

Terrorists Face Longer Sentences for Offences in Prison, says Dominic Raab

Olivia Copeland, Justice Gap: Terrorists behind bars will face the prospect of longer sentences for offences committed in prison, says Deputy Prime Minister and Justice Secretary Dominic Raab. He stated, "Terrorist offenders pose a grave risk to public safety and they must face the full consequences of their actions – whether on the street or behind bars." Currently, terrorists who re-offend in prison are faced with the potential of a maximum of 42 days added to their sentence. The most common charges include vandalism or dealing with contraband. The new changes will see prison offences committed by terrorists handed over to the police for separate investigation and potential prosecution. The change has been sanctioned in an agreement between HM Prison and Probation Service, Counter-Terror Policing and the Crown Prosecution Service (CPS). Regarding the changes, Director of Legal Services, Crown Prosecution Service, Gregor McGill, explained, "Today's updated agreement continues to ensure that police, prisons, and the CPS work together to investigate and prosecute prisoners who commit acts of terrorism or serious violence, wherever our legal test is met." The changes were recommended as part of an independent review regarding terrorism in prisons undertaken by Jonathan Hall KC. The study, which only focussed on Islamist groups in prison, highlighted cases of ex-inmates who carried out terrorist attacks upon their release from prison, such as Usman Khan, the Fishmonger Hall Attacker. Khan was jailed from 2010 to 2018 on terrorism charges and labelled as a top tier high-risk offender. Sudesh Amman, the Streatham Attacker, was labelled as "one of the most dangerous individuals that we have investigated," by the Counter Terrorism Command. Human rights groups express concern that these changes could disproportionately impact minority groups. There is also the risk that extended prison time may serve to increase the risk of radicalisation and fail in its aim of protecting the public. The proposal also comes at a time when the Government faces criticism for the proposed National Security Bill, which includes plans to restrict legal aid for prisoners charged with terrorism offences. The Joint Committee on Human Rights foresees that the draft legislation may also undermine equal access to justice.

Government Responds to joint Letter on the Rights of Modern Slavery Victims

Mustafa Mamujee, Justice Gap: Migrant Rights Network has published the Government's response to their joint letter in relation to the extent to which modern slavery victims can challenge deportations. Migrants at Work, BID, FLEX, and BASNET wrote a joint letter to the Home Secretary on the 10th of October. This was in response to concerns about her plans to restrict migrants from being able to challenge deportations on the basis that they had been subject to forced labour or human trafficking. The Home Secretary contends that the system has been subject to abuse as the number of those claiming to suffer from modern slavery doubled between 2017 and 2020 from 5,141 to 10,613.

The joint letter highlights the importance of the courts and access to judicial scrutiny in ensuring justice, especially for those most vulnerable in society that may be subject to deportation. The Home Office has a preference to remove victims, which critics argue neglects their duty to protect people from trafficking. To support this statement, they cite a case where the Home Office was forced to pay £25,000 in damages after unlawfully trying to deport a trafficking victim and claims made in interviews that Albanians are misusing the National Referral Mechanism (NRM). Civil society organisations refute this claim using the Government's statistics that Albanians are the 2nd highest nationality under the Duty to Notify (an increase of 47% since 2021), suggesting that many Albanians are not entering the NRM, despite the likelihood that they are victims of trafficking. The joint letter makes clear that any attempts to crack down on modern slavery are undermined if deportations cannot be challenged by those at risk of trafficking and labour abuse as victims will be reluctant to come forward and report abuses.

In response, the Minister for Safeguarding reassures Migrants at Work and others that tackling human trafficking and modern slavery is a top priority for the Government and that referrals to the NRM have increased significantly in recent years – 12,272 in 2021 – an increase of 20% from the previous year. The Home Office is said to be improving training for First Responder Organisations and increasing awareness of modern slavery indicators in order to drive up the quality of referrals into the system. However, Emily Kenway, former advisor to the first UK Independent Anti-Slavery Commissioner says, "modern slavery is a real experience… but it is also a political tool used by politicians to cast some people as victims and others are considered unacceptable victims." Joe Calouri notes that after a child leaves the NRM there is 'no guaranteed level of support for victims after a positive conclusive grounds decision.' The Home Office must ensure that training covers implicit and explicit biases and that there is appropriate support to ensure protection of rights for victims of modern slavery.

Calendar of Racism and Resistance Monday 22nd November to Sunday 27th November

Callous Indifference: Remembering 32 Lives Lost in the Channel

Exactly a year ago, a dinghy with 34 people on board sank in the English Channel. There were two survivors. In the three hours it took for the boat to sink, as distress messages flooded in from those on board, French and British coastguards debated whose responsibility it was to rescue them. No help came, as one by one the passengers died of cold or drowned. As this week's Calendar of Racism and Resistance shows, the body investigating the deaths – the worst loss of life in the Channel in over 30 years – the Marine Accident Investigation Branch (MAIB), will not present its findings until at least early summer next year, and has not yet been in touch with most of the families of those who died, despite being sent their contact details. The families have also been denied access to recordings of their loved ones' final calls for help. The unmistakable message conveyed by such responses is that these deaths don't matter and that the families of the deceased are unworthy of respect. Twelve months on, another death, this time in Manston, a former RAF base which in its short time as a holding centre for asylum seekers has become, like Napier barracks, a byword for inhumanity. Manston has now been emptied, but as Joseph Maggs, in his critical analysis of the state violence that occurs behind the closed doors of a 'no-access border zone', shows, the closing of Manston will not put an end to the politically manufactured humanitarian crisis facing newly arrived asylum seekers. This can only end with a wholesale rejection of current policies of criminalisation and deterrence. Source; Institute of Race Relations.