

The prison law team at our Brixton office advises, assists and represents prisoners at any stage of their sentence to resolve difficulties with the Prison Service, the Parole Board and other authorities. Although we usually try to resolve an issue informally first, we do not hesitate to bring challenges through the courts if we consider that this is the most effective way to achieve a fair result for our clients.

All our prison law lawyers receive ongoing training and are also experienced criminal law practitioners. We are members of the Prisoners' Legal Rights Group and the Association of Prison Lawyers. We regularly instruct counsel from leading chambers.

### **Lifers**

The head of our prison law department, Curtis Myrie, specialises in the specific issues facing lifer prisoners and has particular experience representing short tariff IPP prisoners. Due to new legislation and prison overcrowding, prisoners often

experience delay in having their cases considered by the Parole Board, or have problems getting access to offending behaviour courses. We represent clients ourselves or instruct counsel from leading chambers to maximize their chances of being progressed to open conditions or released at the earliest possible stage. We have brought successful judicial review actions challenging delays in this area.

### **Adjudications**

The right to legal representation applies automatically to hearings before the Independent Adjudicator. But it is very rare to get legal representation for Governor's Adjudications. The right to legal representation inside the prison's disciplinary system is fairly new, having been introduced by the European Court of Human Rights. We assist prisoners to ensure that the integrity of this system is safeguarded, for example, by demanding proper disclosure of evidence and the attendance of witnesses. We represent prisoners at adjudications and advise on tactics to ensure that clients maximize their

chance of having the adjudication dismissed or a finding of not guilty recorded against them. We assist with appeals of unfair findings of guilt or excessive punishments. We also challenge unlawful segregation or transfers on disciplinary grounds.

### **Foreign national prisoners**

Foreign national prisoners, particularly those with unresolved immigration status, often face "blanket refusal" by the prison to have their case considered at crucial stages in their sentence, including at categorisation reviews, HDC board considerations and ROTL decisions. We have experience in identifying and successfully challenging unfair or discriminatory decisions.

### **Sentence calculation**

This is a very complex area of law due to frequent legislative changes. As a result the prison sometimes miscalculates release dates. This can result in prisoners being held unlawfully, being considered late by the parole board or even being

wrongly recalled. We can assist with effecting prisoners' immediate release and to make a claim for damages. We also help with remission of days applications where the prison gets it wrong.

### **Categorisation, HDC & ROTL**

We make sure that the information before the reviewing Board – whether it is to decide on categorisation, release on tag or temporary release – is accurate and complete and that the hearing is conducted in a timely manner. We scrutinise the decision to ensure that the reasoning is lawful and if not, we assist with an appeal.

### **Licence & Recall**

Recall and release provisions are complicated as a result of new legislation. We deal effectively and promptly to ensure that prisoners are considered by the Parole Board as soon as possible, and resolve situations where prisoners have been wrongly recalled to affect their release immediately. We can also advise on the merits of unlawful

imprisonment claims in this context.

### **Human rights**

Human rights are for everyone and form part of everyday life in prison. In the past we have helped clients successfully resolve issues involving lack of privacy during hospital visits, failure to provide suitable food for religious prisoners, and unjustifiable restrictions on social visits to see one's children.

**IF YOU WOULD LIKE OUR ASSISTANCE WITH YOUR PRISON LAW MATTER, IT IS VERY IMPORTANT THAT YOU CONTACT US AS SOON AS POSSIBLE.**

**EVEN IF YOU ARE NOT SURE WHETHER YOU NEED OUR ASSISTANCE, YOU ARE ALWAYS WELCOME TO CALL US ON 020 7737 9330 FOR AN INFORMAL CHAT.**

# WAINWRIGHT & CUMMINS

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