

Criminal Justice Alliance

Rt Hon Jack Straw MP
Secretary of State for Justice
Ministry of Justice
102 Petty France
London
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5 June 2009

Dear Secretary of State for Justice

We are writing to urge you to amend the Coroners and Justice Bill to introduce financial support for bereaved families to participate in and be legally represented at inquests relating to deaths in state custody.

As you know, there is currently no automatic right to non means-tested public funding for families at inquests. Although funding for representation is available in some cases, to receive it families have to make lengthy, complicated, intrusive and time-consuming applications to the Legal Services Commission. Even when this process is completed, many families who require and deserve funding do not receive it. With the state always legally represented, this creates an unjust imbalance between the parties involved in the inquest.

Funding is also necessary because families of the deceased need legal representation to participate effectively in the inquest process, as required by Article 2 of the European Convention on Human Rights. In addition, it is in the broader public interest that where somebody dies in the custody of the state there is a full and thorough enquiry and any failings are identified. If the family is not represented at the inquest, there is not the same scrutiny as there would be if they had access to legal representation.

The merits of providing funding for families' legal representation at inquests have been recognised by the Joint Committee on Human Rights, in their 2004 report 'Deaths in Custody', and by Baroness Corston in her 2007 Government-commissioned report on women in the criminal justice system.

We therefore recommend that measures should be introduced in the Coroners and Justice Bill to provide bereaved families with full, non means-tested public funding for their participation in and legal representation at inquests into a death in state custody.

Yours sincerely

Deborah Cowley, Director, Action for Prisoners' Families

Helen Boothman, Chair, Association of Members of Independent Monitoring Boards

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