

Criminal Justice Alliance

Open letter calls for inquest funding for bereaved families

35 leading criminal justice organisations urge Justice Secretary to provide funding for inquests into deaths in custody

Thirty-five leading criminal justice and human rights organisations have written to Justice Secretary Jack Straw calling on him to introduce full, non means-tested public funding to allow bereaved families to participate in and be legally represented at inquests into a death in state custody.

The signatories to the letter - who include INQUEST, Liberty, JUSTICE, the Prison Reform Trust, the Public and Commercial Services Union, the Centre for Crime and Justice Studies and Nacro - argue that this is essential not only because families of the deceased need legal representation to participate effectively in the inquest process, but also because 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. This is more likely to happen where the family has access to legal representation, as many coroners recognise.

The letter adds that the fact that the state always has legal representation while families frequently do not can lead to an unjust imbalance between the parties involved in the inquest. This can damage public confidence in the process and leave families struggling to understand the proceedings and the language of the court.

The letter has been published as the Coroners and Justice Bill is being scrutinised in the House of Lords [1]. It calls on Jack Straw to amend the Bill to introduce financial support for bereaved families to participate in and be legally represented at inquests following a death in state custody.

Commenting on the letter, Jon Collins, Campaign Director for the Criminal Justice Alliance [2], which co-ordinated the letter, said:

“This letter demonstrates widespread support for introducing this simple measure that would make a real difference to the families of people who die in state custody. The Coroners and Justice Bill currently going through parliament is the perfect opportunity to end intrusive and insensitive means testing and to bring in the changes that would ensure that bereaved families get access to the legal support that they need.

“The Government should be embarrassed that bereaved families do not already have an automatic right to publicly-funded legal representation at an inquest following a death in custody. The Justice Secretary should act immediately to address this. Failing to do so would compromise the Bill's overarching aim to deliver a more effective, transparent and responsive coronial service for bereaved families.”

Criminal Justice Alliance
Park Place, 10-12 Lawn Lane, London,
SW8 1UD
Tel: 020 7840 1207
Email: info@criminaljusticealliance.org
www.criminaljusticealliance.org
A company limited by guarantee no.
6331413.
Incorporated in England and Wales.

Deborah Coles, Co-Director of INQUEST and a signatory to the letter, said:

“It is morally unacceptable that families whose relatives have died at the hands of the state are discriminated against by an unjust and intrusive funding procedure. Bereaved families must have the same access to automatic, non means tested funding for their representation at inquests as do the public authorities involved. It has been family's legal representation that has been crucial in ensuring more searching scrutiny of custodial deaths and the issues that need to be addressed to prevent further deaths.”

Paul Cavadino, Chief Executive of Nacro, also a signatory to the letter, added:

“The extreme distress which the death of a loved one in custody causes to families is made even worse by their feeling of powerlessness during an inquest. Legal representation for bereaved families would not only improve scrutiny, it would also help families to feel that they had been treated fairly and that justice had been done.”

Sally Ireland, Senior Legal Officer at JUSTICE, also a signatory to the letter, added:

“In order to ensure that a proper investigation takes place into a death in custody and that lessons are learned for the future it is essential that bereaved families - and not just the prison service - has access to legal representation.”

Text of the open letter

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.

Signatories

Deborah Cowley, Director, Action for Prisoners' Families

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

Davlin Brydson, Chair, Association of Black Probation Officers

Denise Marshall, Group Co-ordinator, Birth Companions
Richard Garside, Director, Centre for Crime and Justice Studies
Christopher Jones, on behalf of the Churches' Criminal Justice Forum
Clive Martin, Director, Clinks
Dr Marcus Roberts, Director of Policy, DrugScope
Deborah Coles and Helen Shaw, Co-Directors, INQUEST
Professor Mike Hough, Director, Institute for Criminal Policy Research
Sally Ireland, Senior Legal Officer (Criminal Justice), JUSTICE
Isabella Sankey, Policy Director, Liberty
Paul Cavadino, Chief Executive, Nacro
Chris Thomas, Chief Executive, New Bridge
Alison Hannah, Executive Director, Penal Reform International
Juliet Lyon, Director, Prison Reform Trust
Pat Jones, Director, Prisoners' Education Trust
Alan Hooker, Director, Prisoners' Families and Friends Service
Mark Serwotka, General Secretary, Public and Commercial Services Union
Paula Harvey, Programme Manager, Quaker Crime, Community and Justice Group
Sebastian Saville, Executive Director, Release
Chris Igoe, Information and Policy Officer, Restorative Justice Consortium
Paul Corry, Director of Public Affairs, Rethink
Kevin Ireland, Interim Chief Executive, Revolving Doors Agency
Sean Duggan, Director of Prisons and Criminal Justice Programme, Sainsbury Centre for Mental Health
Gary Kernaghan, Director of Development and Operations, SOVA
Maria McNicholl, St Giles Trust
Dr Katherine Rake, Director, The Fawcett Society
Peter Dunn, Director, The Griffins Society
Anton Shelupanov, Programme Leader, The Young Foundation
Danny Kushlick, Head of Policy and Communications, Transform Drug Policy Foundation
Bobby Cummines, Chief Executive, UNLOCK
Suzanne Sibillin, Director, Women in Prison
Sarah Brennan, Chief Executive, Young Minds

ENDS

For more information or to request interviews, or for contact details for any of the signatories, please contact Jon Collins, Campaign Director at the Criminal Justice Alliance, on 07968 493 098 or 020 7840 1207 or email jon.collins@criminaljusticealliance.org

Notes to editors

1. The committee stage of the Coroners and Justice Bill in the House of Lords begins on 9 June 2009.
2. The Criminal Justice Alliance (formerly the Penal Affairs Consortium) is a coalition of organisations involved in policy and practice across the criminal justice system. All of the signatories of the letter are members of the Criminal Justice Alliance. For more information on the Criminal Justice Alliance, see www.criminaljusticealliance.org