ther the resources nor the interventions to meet their needs. The vast majority of prisoners aged between 18 and 25 are held in adult prisons. The report notes: "Young adults were placed haphazardly in a range of different types of establishment without considering their needs." It also cites evidence that maturation in young adults is a slow process and may not be achieved until their mid-to-late 20s. In general, the outcomes are poor for young adults when compared with those for older prisoners (those aged over 25). Young adults have worse relationships with staff, are less likely to be motivated by the behaviour management schemes and are far more likely to be involved in violent incidents. They are also more likely to face adjudications (prison discipline processes), to be placed on the basic regime and to self-harm. They report more negatively on day-to-day life, including relationships with staff, the quality of the food and the cleanliness of their wing. In addition, young adults have worse attendance at education and work. Black and minority ethnic prisoners are significantly over-represented in the young adult prison population, and the perceptions of treatment among this group are particularly poor."

Mr Taylor said custody should be an opportunity to provide them with structure, meaningful activity and opportunities to address their offending behaviour. "However, in HMI Prisons' prisoner surveys less than half of young adults (46%) reported that their experience in their current prison had made them less likely to offend in the future. This missed opportunity to help young adult prisoners to improve their skills and reduce reoffending rates has consequences for society when they are released." The report found that where young adults were well-supported it was usually as a result of enthusiastic work by individual members of staff. Overall, though, Mr Taylor said: "There is a lack of a coherent response at the national level. There is no explanation for the current configuration of the (prison) estate, with only three dedicated young adult establishments for a population of over 15,000, no rationale for placing the majority of young adults in establishments that predominantly hold older prisoners and no evidence that placement decisions are made on the basis of need." A different approach was needed, Mr Taylor said. The report identified "specific, properly resourced young adult provision" at Hydebank Wood Secure College, Northern Ireland, as an example of what might be achieved. As the Prison Service plans for recovery from the COVID-19 pandemic, Mr Taylor said, there is both an opportunity and an urgent need to develop specific policies and services for this group. "If action is not taken, outcomes for this group and society will remain poor for the next decade and beyond."

Which Explanation of CCRC Acroynim is More Appropriate

CCRC - Criminal Cases Review Commission

or as prisoners opine

CCRC - Corrupt Crew of Reprobates and Charlatans

Serving Prisoners Supported by MOJUK: Derek Patterson, Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.

Miscarriages of JusticeUK (MOJUK)
22 Berners St, Birmingham B19 2DR
Tele: 0121- 507 0844 Email: mojuk@mojuk.org.uk Web: www.mojuk.org.uk

MOJUK: Newsletter 'Inside Out' No 831(27/01/2021) - Cost £1

Megrahi Family to Appeal to UK Supreme Court Over Lockerbie Conviction

Severin Carrell, Guardian: The family of the Libyan convicted for the Lockerbie bombing, Abdelbaset al-Megrahi, are lodging an appeal to the UK supreme court after Scottish judges threw out a miscarriage of justice case. The court of appeal in Edinburgh ruled on Friday 15th January 2021, that Megrahi was properly convicted of bombing Pan Am flight 103 over Lockerbie in 1988, killing 270 passengers, crew and townspeople. The court, chaired by Lord Carloway, Scotland's most senior judge, rejected both grounds of appeal from Megrahi's family, lodged after the Scottish criminal cases review commission, an official body which investigates suspected miscarriages of justice, returned the case to court. "On the evidence at trial, a reasonable jury, properly directed, would have been entitled to return a guilty verdict," its ruling said. Megrahi died at home in Tripoli in 2012 after being diagnosed with terminal cancer.

Aamer Anwar, the family's lawyer, said they would now take their case to the supreme court in London and would continue pressing for the UK government to release a secret document thought to implicate Iran and a Palestinian terror group. It emerged in November that the foreign secretary, Dominic Raab, had upheld a public interest immunity certificate withholding documents, thought to have been sent by the then king of Jordan, which alleged a Jordanian intelligence agent within the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), called Marwan Khreesat, made the bomb.

Anwar said: "Ali al-Megrahi, the son of the only man convicted of the Lockerbie bombing, said his family were left heartbroken by the decision of the Scottish courts. He maintained his father's innocence and is determined to fulfil the promise he made to clear his name and that of Libya." The significance of the Megrahi appeal increased in December after William Barr, the outgoing US attorney general, announced he was indicting another Libyan, Mohammed Abouagela Masud, for allegedly building the bomb used against Pan Am 103. Masud is thought to be in a Libyan jail, and had been named as an associate of Megrahi's on the original indictment against Megrahi but never formally implicated in the bombing.

Lord Wolffe, the lord advocate and head of Scotland's prosecution service, welcomed the appeal court decision. He did not refer directly to the US decision to indict Masud but confirmed that other suspects were under "active investigation". He said the Lockerbie remained "the deadliest terrorist attack on UK soil and the largest homicide case Scotland's prosecutors have ever encountered in terms of scale and of complexity".

So far no other suspects have been formally identified by Scottish police or prosecutors but it is understood Masud is also very high on the Scottish list of names. Wolffe said a pledge to the Scottish parliament by the then lord advocate, Lord Boyd, to continue searching for other culprits after Megrahi's conviction in 2001 was being honoured. "For almost 20 years since that date, Scottish police and prosecutors have continued the search for evidence. This work will continue; and there remain suspects under active investigation," Wolffe said.

The latest appeal centred on two grounds. The first was that no reasonable jury would have convicted Megrahi on the evidence offered in court, particularly on the circumstantial evidence of Tony Gauci, a Maltese shopkeeper who claimed he sold clothes to Megrahi which were placed in the suitcase bomb. It also said the conviction was unsafe because the prosecution had failed to disclose

evidence which raised strong doubts about reliability of Gauci's evidence and information contained in CIA cables. On the opening day of the appeal, heard in November, Megrahi's legal team accused the judges who convicted Megrahi at a special trial held without a jury 20 years ago of "cherrypicking" evidence. "The court has read into a mass of conflicting evidence a pattern or conclusion which is not really justified," Claire Mitchell QC told the five appeal judges.

But that was rebutted in the appeal court's 64-page ruling. In a passage rejecting allegations that the possibility of Gauci getting a reward for his evidence should have been disclosed, the judges said the court had been very careful in how it reached its verdict. "When the whole evidence, and the circumstances of the trial in general, are taken into account, the content of these documents [referring to a reward] would have been of no significance relative to the undermining of the careful reasoning of the court on the credibility and reliability of Mr Gauci," the ruling said.

Strict Bail Conditions on Domestic Abuse and Sexual Violence Suspects

Maya Oppenheim, Guardian: Police will now be able to implement strict bail conditions on more suspects in high-harm cases where the victim has suffered domestic abuse or sexual violence. Campaigners welcomed the "long overdue" measures as they warned the current system leaves women in grave danger due to victims habitually not being consulted or informed when a perpetrator's bail conditions come to an end. The overhaul, which will fall under the Protection of the Police and Public, Courts and Sentencing Bill, will mean police have to look at how to keep victims safe when choosing suspects' pre-charge bail conditions during ongoing investigations.

Nogah Ofer, solicitor at the Centre for Women's Justice, a leading legal charity, said: "This bill is long overdue, and all police forces must ensure that they provide the protections that victims and survivors of domestic abuse need. It is simply not good enough for officers to tell women to obtain their own civil protection orders, that is the job of the police. "We urge police forces to ensure that officers actually apply the new law and use bail conditions to protect vulnerable people. Victims and survivors should be consulted before any decision on use of bail conditions, and before bail conditions are lifted, so that officers assess risks properly." She said the government's "U-turn" was partly sparked by a police super-complaint the charity launched in March 2019 - adding the legislation overturns a slew of bail measures rolled out by the government in April 2017 which placed domestic abuse victims at risk.

Dame Vera Baird, Victims' Commissioner for England and Wales, noted the government had been "warned" the 2017 reforms "could do more harm than good". She added: "And so it has proved to be. This was a misconceived move, which has been bad for victims. We now need police bail that protects victims and gives the public confidence. "There must be a presumption in favour of bail with conditions in all cases where the allegation is of serious sexual or violent offences and other serious crimes. It is important that complainants are contacted to ask whether there are any fears or threats which may inform a police bail decision." The new measures will be called "Kay's Law" to commemorate Kay Richardson who was murdered by her ex-partner in August 2019 after he was handed the keys to their house when released without bail conditions despite there being evidence of domestic abuse he perpetrated against her.

Ellie Butt, of Refuge, the UK's largest provider of shelters for domestic abuse victims, said: "Far too many survivors of domestic and sexual abuse who bravely report crimes to the police see alleged perpetrators released under investigation, meaning there are no restrictions on contacting the survivor. "This puts many women and children at real risk of harm and is a huge disincentive to reporting. Due to the dynamics of domestic abuse and sexual violence, it is

appeal. But he was convicted for a second time at a retrial held at Newport Crown Court in 2006. He has always maintained his innocence. The confirmation by South Wales Police follows a BBC documentary aired last October which identified two potential new witnesses to events on the night of the family were killed. Police confirmed they have spoken to the two men following the documentary. The programme also raised questions over potential forensic evidence.

In a statement, Tuesday 19th January 2021, South Wales Police said they had carried out an extensive investigation into the four deaths, one of the largest and most complex ever undertaken by a Welsh police force, involving the taking of over 4,500 statements, 1,500 messages from members of the public to the incident room, almost 2,000 homes visited and over 3,700 exhibits seized for examination. The also said that the matter has been considered by the Criminal Cases Review Commission as recently as 2018, which decided not to refer it to the Court of Appeal.

However, they added: "In November 2020, legal representatives of David Morris contacted South Wales Police requesting the release of various exhibits from the investigation for further assessment by their forensic scientists. "This request has been the subject of careful consideration and the force has decided on a proportionate course of action which will involve the appointment of an independent senior investigating officer and an independent forensic scientist to oversee a forensic review of the specific areas referred to by Morris' legal representatives. The decision to carry out a forensic review does not constitute a reopening or reinvestigation of the murders, nor does it demonstrate any lack of confidence in the conviction of Morris and the subsequent case reviews. Morris was convicted unanimously by a jury on the strength of the prosecution case and independent reviews by the Criminal Cases Review Commission have not identified any new evidence. Due to the advancement of forensic technology we may now be in a position to answer some of the questions which have been raised about forensic issues in this case. The appointment of an independent senior investigating officer from an outside force and an independent forensic scientist will ensure the review is conducted with a layer of independence. Their role will be to provide South Wales Police with recommendations based on their findings. As part of this process, South Wales Police will also be requesting material which has previously been forensically examined by the Criminal Cases Review Commission during its reviews.

Prison Service Failures to Support Young Adults Put Society at Risk

The Prison Service has failed for more than a decade to deal effectively with young adult prisoners, missing opportunities to help them rehabilitate and putting communities at risk from reoffending, according to HM Chief Inspector of Prisons. Charlie Taylor warned that outcomes would remain poor for young adults under 25 and for society unless HM Prison and Probation Service (HMPPS) urgently addressed the current "haphazard" approach to more than 15,000 young adult prisoners. Mr Taylor has published a thematic report, Outcomes for young adults in custody. The report concludes that HMPPS places most young adults in adult prisons without any coherent strategy and with little understanding of the way young men in their early 20s mature. The Chief Inspector recalled the comments, in a report published in 2006 about young adults, from the former Chief Inspector, Dame Anne Owers. She warned then: "What will not work is simply to decant young adults into the mainstream adult prison population. That will not provide environments that meet standards of safety and decency – or, crucially, that are able to make a real difference to reducing reoffending among this age group."

Mr Taylor said: "It is disappointing that this warning was ignored, and we now have a system where nearly all young adults have simply been placed into mainstream establishments, which have nei-

'General' Warrants Used by Security Services Ruled Unlawful

Will Heath, Justice Gap: The use of general, non-specific warrants to authorise the hacking of peoples' computers and interference with their personal property was found to be unlawful by the High Court. In a case brought by campaign group Privacy International, the court ruled that broad and ill-defined warrants, potentially covering thousands if not millions of people suspected of no wrongdoing, were contrary to fundamental constitutional principles.

Such warrants authorised the agencies to hack the computers of broad and hard to define groups of people, such as 'all mobile phones used by a member of a criminal gang'. Having been granted this broad warrant by the Secretary of State, questions such as to how a criminal gang was defined, who supposedly belonged to one, and how much proof was required was then left to individual GCHQ, MI5 and MI6 officers. Critics say it was effectively a carte blanche and there was no need for officers to prove they had a reasonable basis to suspect an individual of a crime before invading their privacy.

The case was brought against a 2016 decision by the Investigatory Powers Tribunal – the tribunal tasked with oversight of such agencies – that the Secretary of State had the power to grant such broad warrants under the Intelligence Services Act 1994. The High Court ruled that this interpretation was incorrect and found the powers unlawful based on traditional constitutional principles, rather than human rights legislation or international law.

The court referred to cases and key texts, stretching back some 250 years, to show that 'the aversion to general warrants is one of the basic principles on which the law of the United Kingdom is founded'. One case cited, Wilkes v Wood 1763, held if the power 'to search wherever their suspicions may chance to fall… is truly vested in the Secretary of State, and he can delegate this power [to officers], it certainly may affect the person and property of every man in this kingdom, and it totally subversive of the liberty of the subject'. The High Court accepted the argument of ca aping group Privacy International's barrister, Ben Jaffey QC, that 'the national security context makes no difference as otherwise the courts would sanction wide powers to override fundamental rights'.

'This victory rightly brings 250 years of legal precedent into the modern age,' commented Privacy International's Legal Director, Caroline Wilson Palow. 'General warrants are no more permissible today than they were in the 18th century. The government had been getting away with using them for too long. We welcome the High Court's affirmation of these fundamental constitutional principles.' The case follows a landmark Supreme Court decision in 2019, which ruled that the High Court has the power to overrule the Investigatory Powers Tribunal on matters of general significance, making this challenge possible.

David Morris Murder Conviction Police to Re-Examine Forensic

ForeNino Williams, WalesOnline: nsic evidence in the murders of Mandy Power and her family in 1999 will be re-examined. South Wales Police has appointed a senior officer and a forensic expert to take a look at fresh claims raised by lawyers of a man convicted for the murders of three generations of the same family. The force has confirmed it is appointing a senior independent investigating officer and independent forensic scientist to oversee a review of specific areas raised by legal representatives of David Morris.

David Morris is serving a life sentence for the murders of Mandy Power, who was aged 34, her two daughters Katie, aged 10, and Emily, aged 8, and her 80-year-old mother Doris Dawson in Clydach in the Swansea Valley in 1999. Dai Morris has been twice convicted for the brutal murders. His first conviction, by a unanimous verdict at Swansea Crown Court in 2002, was overturned on

vital that bail is used in all cases, we hope these changes will achieve this and will be swiftly passed into law." The government says the measures will make sure people are not held on bail for "unreasonable lengths of time".

Nicole Jacobs, Domestic Abuse Commissioner for England and Wales, said: "I have seen closely how the reforms made to the Bail Act negatively affected victims and survivors of domestic abuse since they were introduced just over three years ago. "Too often, the presumption against pre-charge bail has meant that perpetrators of domestic abuse have not been subject to bail conditions which meant they could continue to intimidate their victims and cause untold anxiety, fear and concern." Chief Constable Darren Martland, who is the National Police Chiefs' Council Lead for Bail Management, said they will do "everything we can" to safeguard victims and witnesses during investigations. He added: "It's important to ensure bail is properly used to best effect, which includes respecting the rights of suspects and balancing the impact on victims and witnesses."

Independent Human Rights Act Review (IHRAR) Call for Evidence

The UK government's review of the Human Rights Act has launched a call for evidence. The review will consider how the act is working in practice and whether any change is needed. The government established the review to examine the framework of the HRA, how it is operating in practice and whether any change is required. Specifically, the review will look at two key themes: 1) The relationship between domestic courts and the European Court of Human Rights (ECtHR): 2) The impact of the HRA on the relationship between the judiciary, the executive and the legislature

The review will consider the approach taken by domestic courts to jurisprudence of the ECtHR, including how the duty to "take into account" jurisprudence has developed. It will consider whether the HRA strikes the correct balance between the roles of the courts, the government and Parliament. Moreover, it will consider whether the current approach "risks domestic courts being unduly drawn into questions of policy". The panel will then consider whether and if so, what reforms might be justified. As part of its work, the review will also examine the circumstances in which the HRA applies to acts of public authorities taking place outside the territory of the UK, with consideration of the implications of the current position, and whether there is a case for change. The review is limited to consideration of the HRA, it will not consider the scope of the substantive rights scheduled to the Human Rights Act. The call for evidence closes on the 3 March 2021.

"The UK's contribution to human rights law is immense. It is founded in the common law tradition, was instrumental in the drafting and promotion of the European Convention on Human Rights (the Convention) and is now enshrined in the Human Rights Act 1998 (HRA). The HRA has now been in force for 20 years and it is timely to review its operation and framework. The Independent Human Rights Act Review (IHRAR) has been established to carry out that review. It is explicitly independent and contains a robust panel of eminent lawyers and academics, each one of whom will provide a range of views on the HRA's operation. The Review's Terms of Reference (ToR) focus on the operation of the HRA. They are not concerned with either the substantive rights contained within the Convention or with the question whether the UK should remain a signatory to it; the Review proceeds on the basis that the UK will remain a signatory to the Convention. The ToR have been drafted in neutral terms. The Review has no pre-conceived answers and intends to examine all the questions within the scope of the Review comprehensively. In doing so, the panel wants to consult widely and encourages the widest possible range of views from the public and interested parties in its consultations, across all four nations of the UK."

Questionnaire: The Review is not considering the UK's membership of the Convention; the Review proceeds on the footing that the UK will remain a signatory to the Convention. It is also not

considering the substantive rights set out in the Convention. When providing your answers to the questions raised under the two themes that the Review is considering please bear this in mind.

Theme One: The first theme deals with the relationship between domestic courts and the European Court of Human Rights (ECtHR). As noted in the ToR (Terms of Reference), under the HRA, domestic courts and tribunals are not bound by case law of the ECtHR, but are required by section 2 HRA to "take into account" that case law (in so far as it is relevant) when determining a question that has arisen in connection with a Convention right. We would welcome any general views on how the relationship is currently working, including any strengths and weakness of the current approach and any recommendations for change. Specifically, we would welcome views on the detailed questions in our ToR. Those questions are:

a) How has the duty to "take into account" ECtHR jurisprudence been applied in practice? Is there a need for any amendment of section 2? b) When taking into account the jurisprudence of the ECtHR, how have domestic courts and tribunals approached issues falling within the margin of appreciation permitted to States under that jurisprudence? Is any change required? c) Does the current approach to 'judicial dialogue' between domestic courts and the ECtHR satisfactorily permit domestic courts to raise concerns as to the application of ECtHR jurisprudence having regard to the circumstances of the UK? How can such dialogue best be strengthened and preserved?

*Theme Two:*The second theme considers the impact of the HRA on the relationship between the judiciary, the executive and the legislature. The ToR note that the judiciary, the executive and the legislature each have important roles in protecting human rights in the UK. The Review will consider the way the HRA balances those roles, including whether the current approach risks "over-judicialising" public administration and draws domestic courts unduly into questions of policy. We would welcome any general views on how the roles of the courts, Government and Parliament are balanced in the operation of the HRA, including whether courts have been drawn unduly into matters of policy. We would particularly welcome views on any strengths and weakness of the current approach and any recommendations for change. Download the full review: Call For Evidence, https://is.gd/CFeSHe

Children Exempted From Extended Custody Time Limits Following Legal Challenge

Doughty Street Chambers: On Thursday 14th January 20212, the Government announced that children will be exempt from the recent extension to custody time limits following a legal challenge from Just for Kids law to the lawfulness of the Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020. The Regulations, which came into force on 28 September 2020, extended the standard custody time limit in the Crown Court from 182 days to 238 days, a period of nearly 8 months without automatic judicial oversight. This is the first extension of the custody time limits since they were introduced in 1987. The extension applied to all remanded to custody in the Crown Court on or after 28 September 2020 and made no distinction between the position of children and adults.

On 10 November 2020, Just for Kids Law sent a letter before action challenging the Regulations on the grounds that the failure to exclude children from the extension of custody time limits was unlawful and irrational; in breach of Article 5 and Article 14 ECHR; breached the Public Sector Equality Duty and the duty to consult the Children's Commissioner given the significant change of policy and its implication for prolonged deprivation of liberty in respect of children on remand. Following the pre-action correspondence the Ministry of Justice agreed to consult the Children's Commissioner but denied that the extension of the custody time

"It's too early for us to know why officers fired at the vehicle, and it's too early for us to know exactly what transpired," an SIU spokeswoman, Monica Hudon, told reporters at the time. The SIU has been the target of criticism for a number of years. "Police interviews are rarely held within the regulatory time frames, and are all too often postponed – for weeks, sometimes even months," said a report from Ontario's ombudsman in 2008. Since the incident, the SIU has interviewed 18 officers who were present, as well as 14 civilian witnesses. Investigators seized two police-issued rifles and one police-issued pistol from the scene, as well as a pistol from the pickup truck. The initial forensic investigation of the truck has been completed but the SIU has not yet received the postmortem results of the infant and father or said when it plans to release its findings to the public.

U-Turn Over Law on Bail To Protect Victims of Domestic Violence

Zohra Nabi, Justice Gap: New measures will be introduced by the Home Office to enable police to impose bail on suspects in cases of domestic abuse and sexual violence. The reforms come after a joint inspection by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services and HM Crown Prosecution Service Inspectorate found that the Policing and Crime Act 2017, which had been intended to remedy the problem of suspects being on bail for long periods of time, increased the likelihood of a case failing to result in the successful prosecution of an offender. The 2017 Act introduced a presumption against using pre-charge bail unless deemed to be necessary and proportionate, and a 28-day timescale for that bail. However, following concern from campaigners the Home Office has acknowledged that this had the knock-on effect of increasing the number of offenders released under investigation, leading to victims feeling unsafe and unprotected by the police. The report also found that the delays resulting from the act made it more likely that victims would lose confidence and withdraw from the process. The Inspectorate heard evidence that victims and survivors are currently not consulted at all on bail, and in some cases were not informed when bail conditions had been removed.

Ellie Butt, Head of Policy at Refuge, said: 'Far too many survivors of domestic and sexual abuse who bravely report crimes to the police see alleged perpetrators released under investigation, meaning there are no restrictions on contacting the survivor. This puts many women and children at real risk of harm and is a huge disincentive to reporting.'

You can read about concerns of defence lawyers about the new regime on the Justice Gap here. Freedom of Information data obtained last year revealed that over 80% of suspects are now released under investigation. At the same time, the average length that they are under investigation and stuck in legal limbo is now 139 days compared to the average 90 day length of police bail prior to the changes. The reforms announced by the Home Office are to be called 'Kay's Law' in memory of Kay Richardson, a woman murdered by her ex-partner after he was released whilst still under investigation, and given the keys to their house, despite evidence of previous domestic abuse. Under the new laws, police will have to consider key risk factors, including safeguarding victims.

The change was welcomed by campaigners at the Centre for Women's Justice, who first launched a police super-complaint against the Act in March 2019. Nogah Ofer, a solicitor at the CWJ, said: 'This Bill is long overdue, and all police forces must ensure that they provide the protection that survivors of domestic abuse need…We urge police forces to ensure that officers actually apply the new law, and use bail conditions to protect vulnerable people'

Speaking on behalf of the National Police Chiefs' Council Lead for Bail Management, Chief Constable Darren Martland said: 'We will continue to work with the Home Office and College of Policing so that we are striking that balance between protecting vulnerable victims and witnesses while upholding the rights of suspects.'

peaceful protests brought large parts of London to a standstill for days, with printing presses of rightwing newspapers blockaded and fossil fuel companies targeted. XR says more than 3,400 people have been arrested, with about 1,700 charged, almost all for minor public order offences such as obstructing the highway. About 900 people have pleaded guilty and another 800 have either been tried or are awaiting their day in court.

Zoë Blackler, who has overseen the courts process for XR, said it had highlighted the range of people who were prepared to take a stand to force urgent action on the climate emergency. "They come from all across the country and from every age range – there are as many people over 65 as in their 20s. I've met doctors and delivery drivers, teachers and builders, even a retired merchant mariner in his 80s." She said some people had been campaigning on the environment for years, but for most it was the first time they had taken part in activism "and certainly their first encounter with the criminal justice system".

Chada said the decision to press ahead with the prosecutions was not in the public interest. "One wonders who is making these decisions and what pressure they are under," he said. Graeme Hayes, a sociologist from Aston University, who is part of a team of researchers following the XR court cases, agreed the decision to prosecute so many people for minor offences was highly unusual. "What we are seeing looks very much like political decisions to charge people and to take them to court for very minor offences, and that is extraordinary. I can not think of a precedent [in the UK] where that has happened before on anything like this scale." Hayes said it appeared to be the result of political pressure, possibly from the home secretary, Priti Patel, who labelled XR as criminals who threatened the "UK way of life", and from the police, who were criticised after the April 2019 protests.

The Crown Prosecution Service said it was an independent, "demand-led organisation" with a duty to consider all cases referred by police. "Every case is assessed solely on its individual merits, and prosecutions will only follow if our legal tests are met," it said. In November, XR announced it was planning a money rebellion – a campaign of financial civil disobedience to expose the "political economy's complicity" in the ecological crisis. It said this would be a sustained campaign of debt and tax strikes, with people "redirecting" loans from banks that finance fossil fuel projects to frontline organisations fighting for climate justice.

Canada Police Officers Refuse Questions Over One-Year-Old's Shooting Death

Leyland Cecco , Guardian: Two months after a one-year old boy was killed in a police shooting in rural Ontario, the officers involved have still not spoken to investigators, according to a police watchdog. Ontario's special investigations unit (SIU) said that none of the officers who opened fire on a pickup truck on 27 November have agreed to interviews, adding that they had no legal obligation to do so. "Understandably, there is a pressing public interest in this case, including how the child died and whether it was gunfire from the father or [Ontario police] officers that caused the death," the SIU said in a statement on Friday, acknowledging growing frustration over delays and criticisms of its opaque investigative process.

The incident began when officers in the community of Kawartha Lakes in Ontario were called to a domestic dispute involving a gun and the suspected abduction of the one-year-old by his father. After police attempted to stop the father's pickup truck it collided with a police car and another vehicle. Three officers then fired their guns towards the vehicle, according to the SIU. The boy, who was in the back seat of the pickup truck, was hit by a bullet and pronounced dead at the scene. The father died of gunshot wounds one week later. Neither has been named.

limits was unlawful as it applied to children. This is despite the Government's own Equality Impact Assessment found that children and defendants who are Black or an ethnic minority were disproportionately affected by the extension of the Custody Time Limits. According to the Ministry's own figures, they were more likely to be remanded in custody during any point in Crown Court proceedings even in circumstances where they were ultimately acquitted or received a shorter custodial or community sentence.

On 4 December 2020 Just for Kids Law issued their claim for judicial review in the absence of agreement by the Ministry of Justice to amend the regulations to exclude children from the extended custody time limit. The claim was stayed pending consultation with the Children's Commissioner. The announcement Thursday 14th January 20212, by the Ministry of Justice to introduce a new statutory instrument to exclude children from the extended custody time limit marks an important concession on the Government's part in protecting children's rights during the pandemic. A circular has been issued to Her Majesty's Court Service, the Crown Prosecution Service, and Judicial Office confirming that the regulations exempting children are to be laid in Parliament "as soon as parliamentary time allows". The circular confirms that the exemption will apply retrospectively to children who were under 18 and had their first appearance for an offence at the Crown Court prior to the laying of the forthcoming regulations. Cases concerning a child defendant where a trial date has already been listed beyond the 182 day period will be required to be relisted to a date within the 182 day CTL. The Ministry of Justice has stated that the Bar Council, the Criminal Bar Association and the Law Society have also been notified of this decision. Henrietta Hill QC, Shu Shin Luh and Donnchadh Greene of the Public Law team and Joanne Cecil of Garden Court Chambers were instructed by Karolina Rychlicka and Jennifer Twite of Just for Kids Law.

Remote Hearings Are No Good For Defendants

Being detained in police custody is a deeply stressful experience, but for many defendants in recent months that stress has been prolonged because they have been deprived of their day in court. As a result of the coronavirus pandemic, last spring makeshift court "annexes" were created in police custody and most defendants appeared by video from there for their first court hearings, at which they are sentenced, remanded, bailed or dismissed. Police were reluctant to become court managers, but they were even more reluctant to let "risky" defendants go before courts in person. And the courts refused to supervise most defendants in their cells because of the virus risk.

These video remand courts were hailed as a great success, not least by the lord chief justice, the most senior judge in England and Wales, and during the latest lockdown the Law Society, which represents solicitors in the jurisdiction, has called for their return "in light of the need to minimise court attendance". Defence lawyers want permission to represent their clients remotely to save travel or hanging around in a poorly ventilated magistrates' court. Lawyers should be allowed to advocate remotely. But should defendants be forced to appear on video too?

Even the justice secretary has admitted that video interaction is sub-standard. In May Robert Buckland, QC, bemoaned the impact on parliamentary business. "The personal interchange of politics is missing at the moment," he said. Many defendants would argue that the same applies to virtual court appearances, with some saying that appearing on video from police custody feels like being a caged animal. There is now a wealth of research evidence to show that appearing on video is a barrier to defendants' effective participation. Even worse are indications that it negatively affects their access to legal advice and the decision-making of the court. Two studies of video remand courts revealed a strong correlation between

defendants appearing on video and being unrepresented and receiving a prison sentence.

If video remand courts are never revived it will not be for fear that they threaten fair trial rights, however. The police have considerable political influence and running courts is not a hospital pass they are happy to take. Forces have not been funded to run courts in custody; they do not have the space and they need all their resources to deal with crime. So it is in neither the interests of the police or defendants to revive video remand courts. Lawyers need to feel safe, but there is nothing to stop them appearing and giving advice remotely while their clients have their day in a physical court.

Benjamin Bestgen: Smart contracts

Part of being a lawyer in the 21st century is the necessity to develop a degree of digital literacy, whether you like it or not. The legal world, it is often said, tends to be conservative and cautious. Assuming for argument's sake this is true, conservatism, broadly speaking, looks at things that work well for us and seeks to preserve them while also doing away with things that are no longer fit for purpose. If something has to change, reform and incremental steps are preferred over revolution and big overhauls.

Conservatives in that sense are reasonable, practical people, willing to look at facts and evidence, notice changes in the ways of the world and decide how and where adaptations should be made. This could also mean learning new skills or languages, embracing new technologies, reforming rules, customs and institutions to meet the needs of the times and ideally anticipate future requirements also. Unfortunately, for most humans, their conservatism is not as enlightened and proactive. We are creatures of habit, including habits of thought and attitude. We get used to certain things, learn to operate and like them and get irritated when somebody tries to foist too much change on us too quickly. How many lawyers had to be dragged kicking and screaming from using scriveners and parchment to typewriters, dictaphones, fax machines, computers, emails, online data-rooms, electronic signatures, marking documents up on screen instead of printing them out, using multiple screens instead of one, smartphones, videoconferences, mobile or online banking? And now stuff like the Internet of Things, blockchains, Fintech/Regtech/Insurtech, data mining, data protection, AI and customer service bots, debates about robot judges… But contracts – they surely stay the same?! Yes and no is the unsatisfactory short answer.

Smart Contracts: A contract is a document ideally drafted by a smart lawyer but a Smart Contract is more likely to have been programmed by a software engineer: it is a piece of code – contractual clauses, functions, outcomes, deadlines, trigger events can all be codified on a blockchain. Execution, monitoring and enforcement are automatic, giving certainty that the agreement will be performed, not deadlines missed, no random changes of mind later on. The cryptographic, decentralised and open nature of blockchain reduces or eliminates the need for intermediaries or third parties in transactions. It increases trust, as all parties have the same code on their computers and the blockchain is transparent.

What to Consider: From a lawyer's perspective, the principles of contract law haven't changed, regardless whether a contract is oral, on paper or in code. But there are issues to think about: 1. Natural language: few people, never mind lawyers, can read or write machine code languages. Machine code may also not be readily translatable into natural language. Therefore it can be unclear what exactly the contract meant to say. 2. Limitations of code: writing code requires mathematical precision so the machine knows exactly when to do what. But contracts contain often deliberate ambiguity, such as "best efforts", "good faith" or "to such an extent as reasonably practicable". The law may also require that certain things are clearly disclosed or registered in a contract before execution (e.g. consumer protection and cancellation rights or matters in real estate) – this may not be possible to do in code.

Policing, Prisons and Criminal Justice

The use of force against prisoners has doubled over the past decade, according to data obtained under the Freedom of Information Act, with force being used over 49,000 times, or 59 times for every 100 inmates, in the year from April 2019. (Observer, 3 January 2021) 3 January: International organisations criticise Police Scotland for renewing a contract to train security forces in Sri Lanka linked to violence and torture against civilians. (Sunday Post, 3 January 2021) 5 January: The family of 12-year-old Shukri Abdi, who drowned in the River Irwell in 2019, launch a civil action against Greater Manchester police for institutional racism in the investigation of her death. (Guardian, 5 January 2021) 8 January: Three officers from Hampshire's Serious and Organised Crime Unit are sacked for gross misconduct in a long-running case relating to a racist and sexist WhatsApp group. Two other officers would have been sacked if they had not already left the force, and a sixth received a final written warning. (BBC News, 8 January 2020) 8 January: Met police officers will be required to justify every pre-arrest use of handcuffs following a review triggered by the stop and search and handcuffing of Olympic athlete Bianca Williams in July 2020. (Guardian, 8 January 2021) 8 January: In France, police are filmed conducting checks on people entering the Auchan supermarket in Dunkerque and refusing entry to migrants. Activists intervene to stop the checks, but the police call in additional units and remain in place at the supermarket entrance. (Are You Syrious, 11 January 2021) 9 January: In Belgium, 23-year-old Ibrahima Barrie dies in hospital following his arrest at Brussels Gare du Nord, where it is claimed he was filming police carrying out controls. At the police station where he was taken for questioning, he loses consciousness. An autopsy and toxicology examination are ordered. (Brussels Times, 11 January; Révolution Permanente, 13 January 2021) 11 January: In France, the interior minister suspends a senior police officer for sending a 'blatantly racist' New Year card, which shows a white police officer calling a black man to his car with the caption 'Come closer. My taser is recharging in the cigarette lighter'. 12 January: The number of prisoners in England and Wales dying of Covid-19 rose to 24 in December, a rise of over 50 percent, while 2,400 prisoners tested positive, 70 percent more than in November, according to Ministry of Justice statistics. (Guardian, 12 January 2021) 12 January: South Wales Police refers itself to the Independent Office for Police Conduct following the death two days earlier of 24-year-old Mohamud Mohammed Hassan, hours after his release from custody in Cardiff, described as 'deeply concerning' by the Welsh first minister. Hundreds of protesters march through the city to Cardiff Bay Police Station.

More Than 1,000 Extinction Rebellion Activists Taken to Court

Matthew Taylor, Guardian: More than 1,000 people who took part in environmental direct action organised by Extinction Rebellion have been taken to court in what experts say is one of the biggest crackdowns on protest in British legal history. Hundreds of cases are ongoing and lawyers say that despite the pandemic, some defendants may still be asked to travel to court in London from across the UK to appear in person. Lawyers for the defendants say the scale of the prosecutions and the decision to press ahead with trials during the pandemic is unprecedented, and putting people's health at risk. Raj Chada, a solicitor from Hodge Jones and Allen, which is representing many of the defendants, said: "These clients come from across the country, and the court system is just getting to grips with remote attendances. The Covid crisis is at its height, yet the CPS [Crown Prosecution Service] are continuing these cases at great financial cost."

XR have staged three major "rebellions" over the past two years to highlight the escalating climate and ecological emergency and demand urgent action from the government. The

was spoken to was disgusting. I was originally told it could take up to eight months to investigate, but over three years on we've still got no report; it took two years to get to an inquest."

It is rare for the IOPC to recommend the suspension of officers, though it did so initially in 2017 in the case of Rashan Charles, who died in east London. Video footage showed an officer who held him breaching police standards on detention and restraint. However, the Metropolitan police said regulations stated that an officer under investigation should not be suspended if temporary redeployment to alternative duties was appropriate. The police officer was placed on office duties before the watchdog eventually concluded that the "unorthodox" restraint used against the 20-year-old did not amount to misconduct as his failures were not deemed to be deliberate.

Criticism of the watchdog's response to Charles' death has been led by his great-uncle, retired former Met Ch Insp Rod Charles, who said the watchdog simply echoed the Met's version of events. Writing for OpenDemocracy, he said: "In its first statement, [it] claimed: 'The man became unwell and first aid was provided by a police officer, police medic and paramedics.' These accounts mislead by omission. "They fail to mention that a police officer at the scene heavily restrained Rashan, with help from a second man. Instead they direct attention towards Rashan's own actions."

Kevin Clarke, who had serious mental health issues, died after he was restrained by police in March 2018 in Lewisham, south-east London. Nine Met officers were placed under unspecified restricted duties while under investigation by the IOPC. In police body-cam footage of the incident, Clarke can be heard telling officers: "I can't breathe … I'm going to die." One officer told the inquest, which concluded recently, that he believed the restraint – applied because Clarke was "a bit fidgety" lying on the edge of a school playing field – was necessary and safe. However, his family said he was "restrained unnecessarily and with disproportionate force" and that police officers were among those who "let Kevin die".

The Met agreed that seven of the officers had a case to answer for misconduct after the watchdog said the continued use of handcuffs and limb restraints once Clarke was unconscious was "unnecessary and disproportionate". They were dealt with by the force "by way of practice requiring improvement" through identifying any organisational and individual learning and reflecting on what happened, the IOPC said.

Cumberbatch is still waiting for the IOPC investigation into her brother's death to be published. "If I punched you 15 times, there would be a criminal investigation, but nothing has been done about it," she said. "No restricted duties, no suspensions, no desk duties, no misconduct, nothing. I struggle to understand after a serious incident why officers are not interviewed immediately to prevent conferring. "Who do you call when police are the killers? The IOPC, many of whom are ex-police officers. In an ideal world I'd like to have justice, but what is justice? Even where unlawful killing has been ruled by an inquest, some officers have been able to return to duty."

Enough Rope to Hang Anyone Charged With an Offence

Circumstantial Evidence: Some of the case references used by the CCRC date back around 150 years! One example was in R v Exall And Others; [1866] in which it was decided: "It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if anyone link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength." So circumstantial evidence - if there is enough of it, can be considered strong enough to demonstrate innocence or guilt.

3. Amendments and variations: blockchain is highly tamper-proof and once a contract is on the blockchain, it cannot be changed. This poses difficulties where parties want to correct errors or make modifications to their arrangement. A self-executing Smart Contract can also not be stopped, so there could be issues when trying to comply with a court order to amend a contract or change its performance.

4. Risks of self-execution: a contract that no longer reflects the transactional reality in which the parties operate doesn't just give rise to disputes, it might also cause harm to the parties, suppliers, customers or other stakeholders directly or indirectly affected by it. Contracts like "futures" trading in natural resources, e.g. coffee, textiles, grain, fruit or vegetables can affect people in entire countries. The inflexibility of Smart Contracts combined with their self-executing nature is arguably an example where technology could do more harm than good.

5. Jurisdiction: Unless a jurisdiction expressly doesn't recognise Smart Contracts as valid legal agreements, there is no reason why a contract written in cryptographic code shouldn't be lawful and enforceable. But the cross-border nature of blockchain makes it harder to pin down which jurisdiction should address disputes. This gets more complicated with possible errors in the code or the operating system, and relevant servers potentially located in jurisdictions who have no real connection to the contracting parties.

6. Identity of parties: Smart Contracts can easily be executed pseudonymously. This could provide cover for crime and all kinds of misbehaviour. Service providers called "Oracles" exist which offer to provide additional verification and comfort to blockchain arrangements. However, Oracles, both human and automated ones, can be compromised too and introduce misinformation into the network, amplifying a risk of error and malfeasance which the decentralised nature of blockchain sought to reduce.

Smart Contracts currently appears best suited to matters which can be programmed with great precision, such as a payment or delivery schedule, transfer of digital assets, changes in registers upon certain events or storage of information. It should have a natural language document alongside it, detailing how the agreement is meant to work and prevailing over the Smart Contract in case of doubt. However, advances in technology and how we do business will require a basic philosophical attitude from lawyers: looking at our world and trying to make sense of it in a sound, forward-thinking manner, whether we personally approve of the latest developments or not.

Prisoners and Prison Staff Not a Priority for COVID-19 vaccination

Should prisoners and prison staff be among the priority groups for COVID-19 vaccination? It was a question posed by the MP Zarah Sultana during a meeting of the House of Commons Science and Technology Committee. "Prisons are a high-risk setting for transmission, as well as hospitals, nursing homes and schools", she said to the vaccines minister, Nadhim Zahawi. She continued: There would be considerable challenges if there was an outbreak in this setting, and vaccinating detainees is both good for public health and a humane approach to a completely disenfranchised population. Has the government considered prioritising vaccinating detainees, as well as those who work in prisons?

No, was the answer. The government would continue to vaccinate according to age cohorts, rather than prioritising any particular group or institutional setting. This is short-sighted and elevates the risk of wider community infection and reinfection. Every week, thousands of potential COVID-19 spreaders go in and out of prisons. Staff go to and from work. Hundreds of new prisoners arrive, hundreds at the end of their sentence are released.

Prisons act as 'epidemiological pumps', the public health expert Richard Coker pointed out last year, circulating COVID-19 from the community into prison and back out to the com-

munity. Compared with the general population, those in prison are typically less healthy and have a greater prevalence of underlying health conditions that increase the risk of serious illness. These considerations led Professor Seena Fazel of the University of Oxford to argue that "people in prison should be among the first groups to receive any COVID-19 vaccine to protect against infection and to prevent further spread of the disease".

On a practical note, vaccinating the entire prison population and all prison staff in a matter of weeks would be relatively easy to do. There are around 100,000 prisoners and prison staff across England and Wales. Last week the NHS delivered more than one million vaccines. Vaccinating all prisoners and prison staff, and doing so now, would deliver disproportionate benefits in the fight against coronavirus. With emerging evidence that coronavirus infections and deaths in prison are rising sharply, a government that claims to be guided by the science appears to be putting base political calculation ahead of decisive action to protect public health.

Fewer Than One in 10 Police Officers Fired After Gross Misconduct Finding

Mattha Busby, Guardian: Fewer than one in 10 British police officers found to have potentially committed gross misconduct by the watchdog are dismissed, the Guardian can reveal. Figures released by the Independent Office for Police Conduct (IOPC) show 641 officers in England and Wales may have so seriously breached standards that they were liable to be sacked between 2015 and 2020, but just 54 (8.4%) were fired after disciplinary action was conducted internally. Another 848 officers were found to have a case to answer over possible misconduct, but in total only 363 of the misconduct claims have so far been upheld following IOPC recommendations.

There were official warnings in 151 of these cases, and 16 retirements or resignations. Many more disciplinary cases against officers occur without the involvement of the IOPC. The IOPC received statutory powers in February to ensure forces investigate those found to have a case to answer, but internal police disciplinary panels still have the final say and the watchdog said its role is not to be "judge and jury". The figures, obtained through freedom of information requests, raise questions about the efficacy of the IOPC, which receives £71m per year from the Home Office. These issues were amplified by anti-racism protests in the UK last summer amid concern over police use of force and the number of deaths in custody without officers subsequently facing charges.

Katrina Ffrench, the former CEO of StopWatch, which campaigns for fair policing, said the figures were "indicative of the IOPC's inability to hold the police to account in any meaningful way" and that the body needed to be subject to true community oversight. "It is incredibly concerning that people enforcing the law are able to remain in positions of power despite having gross misconduct allegations against them proven. If communities that are distrustful of policing, due to lived experiences, are to believe the institution is fair and there are consequences for bad behaviour, the IOPC must do a better job." Victor Olisa, a former Met Ch Supt, said officers "run rings round IOPC investigators" and that the relationship was unequal. "The police service is not held to account like it ought to be," he said. "This data shows the rate of IOPC 'case to answer' findings to actual disciplinary rulings really is quite low. The police cannot work in a vacuum. It has to face questions about how it provides its public service. It should be scrutinised and have its powers balanced." The IOPC succeeded the Independent Police Complaints Commission (IPCC) in 2018, in a reform designed to ensure "greater accountability to the public". It followed condemnation over the IPCC's handling of the death of Mark Duggan, which led to an apology three years after his death in 2014.

But the new body has also come under scrutiny – with critics pointing to the complaints process, its independence and the fact some high profile cases have taken several years. One concern is that people cannot complain directly to the watchdog and must instead raise issues

with the relevant force, which then decides whether to refer itself to the IOPC, to investigate internally, or to take no action – apart from in the event of "serious injury" or death when a referral is mandatory. About 28% of staff in investigations have previously worked for the police service, with more than one-in-three senior investigators being former officers. Between 2015 and 2020 the IOPC referred 391 files where there was an indication of a criminal offence by an officer to the Crown Prosecution Service (CPS), which resulted in 69 criminal prosecutions, leading to at least 22 guilty verdicts in which judges passed down four custodial sentences. The IOPC said it was eager to work with forces, the police union, the CPS and the Home Office to speed up the investigations, and that 83% of reports in 2019-2020 were completed within 12 months.

A spokesperson said: "The majority of public complaints and allegations of misconduct are rightly dealt with by police forces themselves. The discipline system is the responsibility of police forces and is administered by them." They said changes were introduced to the complaints and disciplines procedures in February 2020, which include a duty for police witnesses to cooperate with IOPC investigations and a reform so that a "case to answer" finding will now be the final decision. "Very few cases referred to and investigated by the IOPC will result in criminal prosecution because only a small proportion of those matters involve allegations of criminal activity. Prosecution isn't the only route for holding police officers accountable for wrongdoing and only applies where criminality is involved. Disciplinary action can range from dismissal and reduction in rank to written warnings, all of which are determined by misconduct panels led by legally qualified chairs for misconduct hearings and senior police officers for misconduct meetings, not the IOPC.

"To obtain a more accurate picture of sanctions against police, you would also have to look at cases brought forward by 43 police force professional standards departments, as they deal with the majority of public complaints and conduct matters." National Police Chiefs' Council lead for professional standards, chief constable Craig Guildford said: "The recent changes have seen a shift towards resolving issues earlier, learning lessons faster and a firm focus on the most serious of cases. As these changes further embed we will see the improvement in timeliness, transparency and learning continue. "Those who let the public, the service and themselves down will be dismissed once the process has taken its course."

Families of Citizens Dying After Contact With Police Still Await Justice

Mattha Busby, Guardian: Relatives of people who have died after contact with the police have told of their distrust in and dissatisfaction with the ability of the complaints system to help deliver justice. "I feel the IOPC is there to shut families up and make us believe there is a thorough investigation," said Carla Cumberbatch, sister of electrician Darren, who died at the age of 32 in July 2017 after he was punched up to 15 times, beaten with a baton, sprayed with CS gas and Tasered multiple times by officers. They had been called to a bail hostel in Nuneaton, west Midlands, while he was experiencing a mental health crisis – behaving "irrationally" in a toilet bloc, according to the coroner. An inquest jury said that police use of "considerable restraint" on Cumberbatch contributed to his death and was "at times probably avoidable".

Officers, one of whom reportedly admitted making incorrect statements on police notes after the event and copying another officer's notes word for word in his account of the incident, have not faced disciplinary consequences, but probation staff are to receive more training to de-escalate situations. The watchdog's initial statement, two days after Cumberbatch died and 11 days after the incident, said only that he had become "unwell" in police presence and criticised "unhelpful" speculation. "It was like talking to a wall," Cumberbatch's sister said. "The way I